



## **Board of County Commissioners of Washington County, Maryland**

### ***Open Session Minutes***

**September 1, 2020**

#### **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, to order at 10:01 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice President Terry L. Baker, Commissioner Wayne K. Keefer, Commissioner Cort F. Meinelschmidt, and Commissioner Randall E. Wagner.

#### **APPROVAL OF MINUTES**

Commissioner Baker, seconded by Commissioner Meinelschmidt, moved to approve the minutes of August 18, 2020. The motion passed unanimously.

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

The Board of County Commissioners took the opportunity to wish all citizens and employees a safe and joyous Labor Day.

Vice-President Baker discussed property transfers within municipalities and the reporting of the transfer to the municipality.

Commissioner Keefer discussed a funding request for the Town of Clear Spring from the contingency fund in the amount of \$18,000 for Veterans support and commemorative display. The Commissioners requested a letter of request from the Town of Clear Spring.

Commissioner Wagner shared that the Pooch Plunge is upcoming on September 8<sup>th</sup> at Marty Snook Park. Additionally, Commissioner Wagner discussed the absence of internet for students and how the County can proceed. Josh O'Neal, Director, Information Technology, updated the Board with information on several available grants which may assist in the expansion of such services.

President Cline discussed the 9/11 Remembrance in the Park. Additionally, he congratulated Senator-to-Be, Paul Corderman, who will be sworn in today.

#### **SALARY STUDY COMMISSION**

Kendall Desaulniers, Deputy County Attorney, recommended appointment of individuals to the Salary Study Commission, per Md. Code Ann. *Local Gov't §§ 28-201 through 28-209*. Ms. Desaulniers recommended appointment of the following individuals:

1. Democratic Central Committee of Washington County – Peter E. Perini, Sr.;
2. Republican Central Committee of Washington County – Ray Foltz;
3. Washington County Chamber of Commerce – Paul Frey;
4. Washington County Farm Bureau – J. D. Repp;
5. League of Women Voters of Washington County – Richard Willson;
6. Cumberland Valley Associated Builders and Contractors, Inc. – no viable candidates (all employees reside in Pennsylvania);
7. Joint Veterans Council of Washington County – no viable candidates (all members are elderly or reside out of state);



8. At-large appointed Washington County resident – to be determined by the Commissioners.

Ms. Desaulniers requested that the Board provide its choice for the at-large appointment for a Washington County resident.

Commissioner Wagner, seconded by Commissioner Meinelschmidt, recommended Jason Hose as the Citizen-at-large appointment. The motion passed unanimously.

Commissioner Meinelschmidt, seconded by Commissioner Wagner, approved the appointment of the individuals to constitute the Salary Study Commission as presented. The motion passed unanimously.

#### **CITIZEN PARTICIPATION DURING OPEN MEETINGS**

Tom Brown, Emergency Manager, Emergency Services, shared two (2) options for citizen participation with regard to the cancellation of public meetings in March 2020 due to the COVID-19 pandemic. Mr. Brown presented Option One as his recommendation from a health perspective which would be to continue with modifications currently in place; providing citizens with the opportunity to call, write, or e-mail the County Clerk with comments which they would like to have heard in open session. Mr. Brown shared that Option Two would be to allow a small number of citizens to appear in person individually during the scheduled agenda time, allowing for no more than three (3) to five (5) citizens per meeting.

Earl Stoner, Health Officer, cautioned the Commissioners regarding opening the meeting to citizen comment and shared his concern for increased contamination indoors.

The Commissioners discussed both options and instructed staff to develop an action plan to permit the participation of citizens during the meeting and return at a future meeting for presentation.

#### **COVID-19 EXECUTIVE ORDER ENFORCEMENT OVERVIEW**

Mr. Brown and Earl Stoner, Health Officer, provided the Board with an overview of the enforcement activities of the Governor's Executive Orders.

The Commissioners thanked Mr. Stoner and Mr. Brown for the update.

#### **LOCAL MANAGEMENT BOARD BY-LAWS REVISIONS**

Allison Hartshorn, Grant Manager, Office of Grant Management, recommended approval of the revised by-laws of the Local Management Board (LMB). Ms. Hartshorn shared that the LMB members reviewed and approve the proposed revisions by vote on June 19, 2020; the changes reflect current practices that are in accordance with revisions to the LMB Manual made effective July 26, 2016. Ms. Hartshorn shared that changes reflect that the LMB shall have eleven (11) standing ex-officio members of which will now include the Local Care Team Coordinator for Washington County, elimination of Board Membership Committee and Treasurer Position.

Commissioner Keefer, seconded by Commissioner Meinelschmidt, moved to approve the revisions to the LMB By-Laws as presented. The motion passed unanimously.

#### **ZIMMERMAN CONSERVATION RESERVE ENHANCEMENT PROGRAM EASEMENT**

Chris Boggs, Land Preservation Administrator, Planning and Zoning, recommended approval of the Ronnie R. Zimmerman CREP easement project, paid for 100% by the Maryland Department of Natural Resources, for \$91,497.66 for 33.49 easement acres and to adopt an ordinance approving the purchase. Mr. Boggs shared that the property is located at 14504 Reel Road, Hancock, Maryland, would protect 23.36 acres of woodland and 6.67 acres of hayland; there is a 3.46-acre building envelop around the existing dwelling. In addition to the easement funds, the County receives up to



3% of the easement value for administrative costs, a mandatory 1.5% for compliance costs and funds to cover all legal costs and surveys.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the Zimmerman CREP, and to adopt an ordinance approving the purchase of the easement and to authorize the execution of the necessary documentation to finalize the easement purchase. The motion passed unanimously.

(Ordinance No. ORD-2020-28 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

**EXPRESS APPROVAL: CITY OF HAGERSTOWN ANNEXATION OF COLE ROAD PROPERTIES (A-2020-03)**

Jill Baker, Director, Planning and Zoning, requested that express approval be granted to the City of Hagerstown to allow development of three (3) properties proposed to be annexed along Cole Road including ARFP Mt. Hagerstown MD LLC, Kohls Department Stores Inc., and Enam Investment Group LLC. Ms. Baker provided the Board with information regarding each property owner under the request, including current zoning.

The Commissioners discussed tax differential as a result of this request and instructed staff to obtain the information requested and return to a future meeting for an official vote on the matter.

Commissioner Wagner, seconded by Commissioner Keefer, moved to take no action on the matter during this presentation; staff was instructed to return to a future meeting with information regarding the tax differential. The motion passed unanimously.

**EXPRESS APPROVAL: CITY OF HAGERSTOWN ANNEXATION OF VALLEY MALL OUTPARCELS (A-2020-04)**

Ms. Baker requested that express approval be granted to the City of Hagerstown to allow development of three (3) properties proposed to be annexed along Valley Mall Road including Cole Road Holdings LLC and Valley World Inc. Ms. Baker provided the Board with information regarding each property owner under the request, including current zoning.

Commissioner Wagner, seconded by Commissioner Baker, moved to take no action on the matter during this presentation; staff was instructed to return to a future meeting with information regarding the tax differential. The motion passed unanimously.

**EXPRESS APPROVAL: CITY OF HAGERSTOWN ANNEXATION OF THOMAS, BENNETT, AND HUNTER (TBH) PARCEL (A-2020-05)**

Ms. Baker requested that express approval be granted to the City of Hagerstown to allow development of TBH property located along Hopewell Road. Ms. Baker provided the Board with information regarding the property owner under the request, including current zoning.

Commissioner Wagner, seconded by Commissioner Keefer, moved to grant the express approval for the property (A-2020-05) as presented. The motion passed unanimously.

**EXPRESS APPROVAL: TOWN OF HANCOCK ANNEXATION OF 305,307,317, AND 319 E. MAIN STREET HANCOCK**

Ms. Baker requested that express approval be granted to the Town of Hancock to allow development of two (2) parcels plus State Highway right-of-way proposed to be annexed along E. Main Street in Hancock, Maryland. Ms. Baker provided the Board with information regarding each property owner under the request, including current zoning.



Commissioner Keefer, seconded by Commissioner Wagner, moved to grant the express approval for the properties as presented. The motion passed unanimously.

**2020 CENSUS – WASHINGTON COUNTY EFFORTS AND RESULTS TO DATE**

Kim Buchanan, Director of Development, Community Action Council, provided the Board with an update regarding the 2020 Census efforts. Ms. Buchanan expressed the importance of all citizens completing the census.

The Commissioners thanked Ms. Buchanan for her efforts.

**CONVENE IN CLOSED SESSION**

Commissioner Meinelschmidt, seconded by Commissioner Baker, moved to convene in closed session at 11:21 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 consult with counsel to obtain legal advice on a legal matter; to consult with staff, consultants, or other individuals about pending or potential litigation; to comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter, in accordance with Sections 3-305(b)(1), (7), (8), (13) 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 councils over which the Board has appointment authority and discussed the filling of certain personnel vacancies and assignment of specific employees, and the Board provided staff direction in regards thereto. The Commissioners discussed a potential legal claim, received legal advice thereon, and provided direction to Counsel with respect thereto. Additionally, the Commissioners discussed contractual legal matters and received legal advice thereon, implicating attorney/client privilege and attorney work product that prevents public disclosure; the Commissioners provided Counsel with direction involving these matters.

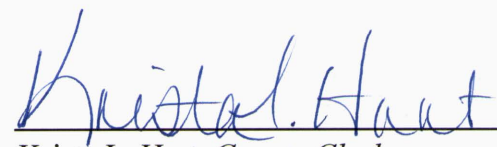
Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Randy E. Wagner, Wayne K. Keefer, and Cort F. Meinelschmidt, Also present were Kirk C. Downey, County Attorney/Interim County Administrator; Krista L. Hart, County Clerk, and at various times, Allison Hartshorn, Grant Manager, Office of Grant Management; Deb Condo, Deputy Director, Human Resources; Andrew Eshleman, Director, Public Works; Zane Rowe, Deputy Director, Highways; and Mark Bradshaw, Deputy Director, Water Quality.

**RECONVENE IN OPEN SESSION**

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to reconvene in open session at 12:48 p.m. The motion passed unanimously.

**ADJOURNMENT**

Commissioner Meinelschmidt, seconded by Commissioner Keefer, moved to adjourn at 12:48 p.m. The motion passed unanimously.

  
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Krista L. Hart, *County Clerk*