



Board of County Commissioners of Washington County, Maryland
Open Session Minutes
July 20, 2021

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 12:00 p.m. at 100 West Washington Street, Hagerstown, Maryland, with the following members present: Vice-President Terry L. Baker, Commissioner Wayne K. Keefer, Commissioner Randall E. Wagner, and Commissioner Charles A. Burkett.

APPROVAL OF MINUTES

Commissioner Baker, seconded by Commissioner Burkett, moved to approve the minutes of July 13, 2021. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

The Commissioners shared information on various events each attended throughout Washington County.

Vice-President Baker wished all those involved in the Ag Expo and Fair much success in the event this year.

Commissioner Keefer thanked Jaime Dick, staff of the Recreation Department and members of the Disabilities Advisory Committee for hosting a Special Needs Swim Clinic which is scheduled for August 7th, 9:00 a.m. – 11:00 a.m.; for additional information, contact (wkeefe@washco-md.net or khart@washco-md.net), (sign language interpreter will be available). Additionally, he attended the Hancock "Save Our School" Committee meeting, he noted that School Board member Michael Guessford was also in attendance. Commissioner Keefer asked that the Commissioners consider an economic development incentive for the Hancock and Cascade community to address a decline in population; asking that the matter be placed on the agenda for additional discussion.

Commissioner Burkett offered condolence to the family of Michael Durning, a former employee with the Transit Department who recently passed. He attended his first meeting with the Maryland Association of Counties Legislative Committee and shared his enthusiasm for representing Washington County. He encouraged all to attend the Ag Expo and Fair, which runs through July 24th, and to support our local community; he thanked the Board of Directors for sponsoring the breakfast event.

Commissioner Wagner thanked County staff and the Ag Center Board of Directors for the breakfast event; he added that there is a very beneficial auction scheduled for Thursday evening at the Ag Center. Commissioner Wagner informed the Board that Mr. Kurt Shurman will be presenting teleworking information at a future meeting during citizen participation.

President Cline noted that Thursday night at the Ag Expo and Fair is the market sale for the 4-H students and urged all to attend.

STAFF COMMENTS

Human Resources

Larry Etchison, Director, announced that the 2019 and 2020 Employee Award Breakfast will be held Tuesday, October 12th at the Ag Center.

County Administrator

John Martirano reminded staff that the next regularly scheduled meeting of the Board of County Commissioners is August 3, 2021. Additionally, he shared condolences for the family of Michael Durning, who was a driver with County Commuter. Mr. Martirano further thanked all those involved in the breakfast at the Ag Expo and Fair.

County Clerk

Washington County Planning Commission

Commissioner Wagner, seconded by Commissioner Baker, moved to accept the recommendation to reappoint Jeremiah Weddle to serve a second five-year term from July 1, 2021, through June 30, 2026; this is a paid board. The motion passed unanimously.

Animal Control Authority of Washington County

Commissioner Baker, seconded by Commissioner Wagner, moved to accept the recommendation to reappoint Ashley Schweinhart to serve a first full three-year term as an Alternate Member from August 1, 2021, through July 31, 2024; this is not a paid board. The motion passed unanimously.

Washington County Board of Social Services

Commissioner Burkett, seconded by Commissioner Keefer, moved to accept the recommendation to reappoint John (Steve) White and Carol Costello to each serve a second three-year term retroactively from July 1, 2020 through June 30, 2023; to reappoint Cynthia Brown to serve a first three-year term from July 1, 2021 through June 30, 2024; to reappoint William Beard to serve second three-year term from July 1, 2021 through June 30, 2024; and to reappoint Shannon Gaines to serve a first three-year term from July 1, 2021 through June 30, 2024. The motion passed unanimously.

Commissioner Wagner, seconded by Commissioner Keefer, moved to accept the recommendation to reappoint David Pool to serve a third three-year term from July 1, 2021, through June 30, 2024. With the appointment of David Pool, the Commissioners approve an exception to the two-term limit as written in the County PR-22 Policy for Boards and Commissions. The motion passed unanimously.

Emergency Services Advisory Council

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the recommendation to reappoint Joseph Kroboth to serve a first three-year term as Commissioner Burkett's at-large representative from June 1, 2021, through May 31, 2024; this is not a paid board. The motion passed unanimously.

Washington County Agricultural Land Preservation Advisory Board

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the recommendation to appoint Suzanne Hayes to serve an unfulfilled term from August 1, 2021, through September 30, 2024; this is not a paid board. The motion passed unanimously.

BUILDING PERMITTING AND INSPECTION SERVICES FOR THE TOWN OF KEEDYSVILLE

Rich Eichelberger, Director, Construction; Rick Bishop, Town Manager, and Brandon Sweeney, Assistant Mayor, Town of Keedysville, recommended approval of a draft Memorandum of Understanding (MOU) between Washington County and the Town of Keedysville to provide building code enforcement, permitting, and inspection services. Mr. Eichelberger shared that the fiscal impact would be approximately \$3,000 to upgrade Accela Automation software scripting.

Commissioner Baker, seconded by Commissioner Wagner, moved to authorize development and execution of the MOU with the Town of Keedysville to provide building code enforcement, permitting, and inspection services, as presented. Additionally, the Commissioners approved the cost to be funded by the County. The motion passed unanimously.

JAIL BASED MEDICATION ASSISTED TREATMENT AND REENTRY PROGRAM – APPROVAL TO ACCEPT AWARDED FUNDING

Rachel Souders, Senior Grant Manager, Office of Grant Management, recommended approval to accept funding as awarded for the Jail Based Medication Assisted Treatment (MAT) and Reentry Program from the Opioid Operational Command Center in the amount of \$293,557.60. The funds will be used to expand access to MAT and coordinate continuation of MAT services post release as required under Maryland House Bill 116.

Commissioner Wagner, seconded by Commissioner Keefer, moved to accept funding as awarded in the amount of \$293,557.60 for the MAT, as presented. The motion passed unanimously.

HAGERSTOWN REGIONAL AIRPORT, RECONSTRUCT TAXIWAY F PAVEMENT AND LIGHTING (DESIGN) – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING

Rick Johnson, Director, Hagerstown Regional Airport, and Allison Hartshorn, Grant Manager, Office of Grant Management, recommended approval to submit a funding request to the Federal Aviation Administration (FAA) in the amount of \$330,560 and to accept funding as awarded.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the submittal of a funding request to the FAA in the amount of \$330,560 and to accept funding as awarded. The motion passed unanimously.

CITIZENS PARTICIPATION / STAFF COMMENT

Danielle Weaver, Director, Public Relations, introduced staff of High Rock and congratulated them on recent Emmy wins for the production of a video titled Threads of Hope: Grandma's House.

FISCAL YEAR 2022 LOCAL PARKS AND PLAYGROUND INFRASTRUCTURE STATE FUNDING

Andrew Eshleman, Director, Public Works, recommended approval to submit a Local Parks and Playground Infrastructure project list for funding amount of \$1.5 million to the Department of Natural Resources that includes the core project with option.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the submittal of all projects listed under "Core Group", the bottom three (3) projects under Option B, and \$101,000 to Marty Snook Park under Option A for the Local Parks and Playground Infrastructure project list to the Department of Natural Resources. The motion passed unanimously.

PROGRAM OPEN SPACE ANTIETAM WATER TRAIL ACQUISITION

Todd Moser, Real Property Administrator, and Mr. Eshleman requested approval for partial property acquisition including fee simple and/or easements as related to the Antietam Water Trail Project, authorization of an ordinance approving said purchase, and to authorize the execution of the necessary documentation to finalize the acquisition. Mr. Moser explained that the option agreement has been negotiated for one (1) property at a total amount of \$14,000. The property is described as 458 Antietam Drive and consists of 1.2551 acres. Mr. Eshleman shared that funding would be provided through Program Open Space in the amount of \$11,750 for purchase, \$2,000 for appraisals plus cost of title work.

The Commissioners took no action on the matter and instructed staff to schedule a tour of the location with the Board prior to considering a vote.

DONATION OF RIGHT-OF-WAY FOR PROFESSIONAL BOULEVARD

Mr. Moser requested approval of donation for a partial property acquisition including fee simple and/or easements for the property described as Tax Map 50, Parcel 295, consisting of 3.48 acres as related to the Professional Boulevard project in the amount of zero dollars from Hagerstown Washington County Industrial Foundation, Inc., authorization of an ordinance approving said donation, and to authorize the execution of the necessary documentation to finalize the acquisition.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the partial property acquisition including fee simple and/or easements for the property at Tax Map 50, Parcel 295 of 3.48 acres (donation) in the amount of zero dollars, and to adopt the proposed ordinance approving said purchase and to authorize the execution of the necessary documentation to finalize the acquisition, as presented. The motion passed unanimously, (4-1, Commissioner Keefer voted "NAY").

(Ordinance No. ORD2021-14 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the originals are located in the County Commissioners' Office.)

RESCIND BID AWARD INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-21-0058) – PERSONAL PROTECTIVE EQUIPMENT

Brandi Naugle, Buyer, Purchasing, requested authorization to relieve Witmer Public Safety Group, Inc., Williamsport, Maryland, from the contract without prejudice for the purchase approved by the Board of County Commissioners of Washington County, April 20, 2021, for the purchase of thirty-five (35) sets of Personal Protective Equipment for the Division of Emergency Services due to unacceptable delivery dates from LION (manufacturer).

Commissioner Wagner, seconded by Commissioner Burkett, moved to relieve Witmer Public Safety Group, Inc. from the bid without prejudice, as presented. The motion passed unanimously.

(Resolution No. RS-2021-17) is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-21-0063) – PERSONAL PROTECTIVE EQUIPMENT

Ms. Naugle and Mr. Jacobs recommended authorization by Resolution, approval of the purchase of thirty-five (35) sets of Personal Protective Equipment (PPE) for the Division of Emergency Services from Municipal Emergency Services and Lawmen Supply Company, Rockville, Maryland, at the contracted unit process based on the contract awarded by the Fairfax County,

Virginia contract (Solicitation #2000003296); 35 Honeywell Morning Pride Pants \$1,010.50 each, 35 Honeywell Morning Pride Coats \$1,426.15 each, totaling \$85,282.75. Ms. Naugle shared that funding is available in the departments FY22 operating budget account 599999-30-11430.

Commissioner Wagner, seconded by Commissioner Keefer, moved to authorize by Resolution, the Intergovernmental Cooperative Purchase INTG-21-0063 with Municipal Emergency Services and Lawmen Supply Company for the purchase of 35 sets of PPE in the amount of \$85,282.75, as presented. The motion passed unanimously.

(Resolution No. RS-2021-18) is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners' Office.)

The Commissioners recessed at 1:23 p.m. and returned at 1:30 p.m.

PUBLIC HEARING: MARYLAND COMMUNITY DEVELOPMENT BLOCK GRANT UPDATES

President Cline convened a public hearing at 1:31 p.m. to obtain public comment regarding the progress of the Community Development Block Grant MD-19-CD-27: Hancock After-School Program; CDBG MD-20-CD-26: ARC Building Improvements; and CDBG MD-20-CD-8: Washington County COVID-19 Homeless Crisis Response. Commissioner Cline reviewed the procedures for the Public Hearing.

Ms. Souders provided the Commissioners with insight into the previous awards of funding through 2018 and how intended utilization of said funds.

Troy Van Scoyoc, Executive Director, Arc of Washington County, spoke to the funding awarded to the Arc of Washington County.

Maria Rubeling, CEO, Hagerstown YMCA spoke to the funding awarded to the Hagerstown YMCA.

Brooke Grossman, Chief Missions Officer, Horizon Goodwill Industries spoke to the funding awarded to the Horizon Goodwill Industries.

The Public Hearing was open for public comment and no individuals offered comment.

The Public Hearing was closed at 1:41 p.m.

The Commissioners took no action on the matter as the Public Hearing is a condition of the grant funding.

PUBLIC HEARING: APPLICATION FOR ZONING TEXT AMENDMENT RZ-21-001, CALVERT ENERGY LLC

President Cline convened a public hearing at 1:41 p.m. to obtain public comment regarding the application from Brian Quinlan for Zoning Text Amendment RZ-21-001 to the Washington County Zoning Ordinance (Ordinance). The application concerns a request to amend text in section 4.26 of the Zoning Ordinance pertaining to the regulation of Solar Energy Generation Systems (SEGS) on properties. Commissioner Cline reviewed the procedures for the Public Hearing.

Travis Allen, Comprehensive Planner, Planning and Zoning, presented the staff report and analysis on behalf of the Washington County planning and Zoning. Mr. Allen explained that the request pertains to SEGS within Priority Preservation Areas that have an Industrial Mineral Zoning

designation and would permit, as a special exception, the location of SEGS on lands that fall within these districts.

The Washington County Planning Commission held a Public Information Meeting on May 3, 2021; the matter was presented for recommendation during its meeting on June 7, 2021; where the members recommended against the approval of the proposed amendment in a 4-1 vote. Mr. Allen explained that staff recommended approval of the narrowly tailored text amendment and that no statement of opposition has been received.

The applicant, Mr. Quinlan, Calvert Energy, LLC., spoke on the matter and provided insight into the matter.

Attorney William C. Wantz, Attorney, Hagerstown, Maryland, presented Applicant's case for Calvert Energy, LLC. He entered Applicant's Exhibits #1 and #2 into the official record. Mr. Wantz cited the Land Use Article of the Annotated Code of Maryland, which establishes the rule that zoning regulation shall be uniformed for each class or kind of development throughout each district or zone. Mr. Wantz further recommends the adoption of the proposed Text Amendment RZ-21-001.

The Public Hearing was opened for public comment and no individuals offered comment.

Commissioner Keefer inquired into the intent to apply for tax credits in the future should this matter be approved; Mr. Quinlan replied "no".

The Public Hearing was closed at 2:07 p.m.

The Commissioners made no decision at this time and took the matter under advisement; staff will return at a future open session meeting.

DISCUSSION ON THE REVIEW/APPROVAL PROCESS FOR LOCAL NON-PROFIT CONTINGENCY FUND REQUEST

Commissioner Burkett, seconded by Commissioner Keefer, with comment, moved to approve \$1,000 limit to be set as an amount for reimbursement to any non-profit, Washington County based agency who makes a request for consideration of golfing fees; a receipt of fees must be provided to the CFO's office and reimbursement will be made once it is determined the agency meets requirements. The motion passed 3-2, Commissioners Cline and Wagner voted "NAY".

CONVENE IN CLOSED SESSION

Commissioner Wagner, seconded by Commissioner Baker, moved to convene in closed session at 2:19 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; any other personnel matter that affects one or more specific individuals, and to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State, in accordance with Sections 3-305(b) (1) and (4) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the filling of certain personnel vacancies and the hiring of certain individuals; to include disciplinary matters concerning certain employees. The Commissioners also discussed potential appointments to boards over which the Commissioners have authority and provided staff direction as related thereto. Additionally, the Commissioners discussed potential business establishments or expansions in Washington County.

Present during closed session were Commissioners Jeffrey A. Cline, Terry L. Baker, Wayne K. Keefer, Randall E. Wagner, and Charles A. Burkett; also, present were John M. Martirano, County Administrator; Krista L. Hart, County Clerk, and Kirk C. Downey, County Attorney. Additionally, the following staff members were present at times: Susan Small, Director, Business Development; Jonathan Horowitz, Business Development; and Larry Etchison, Director, Human Resources.

RECONVENE IN OPEN SESSION

Commissioner Wagner, seconded by Commissioner Burkett, moved to reconvene in open session at 3:38 p.m. The motion passed unanimously.

RECESS

The Commissioners recessed at 3:39 p.m.

JOINT MEETING WITH THE CITY OF HAGERSTOWN MAYOR AND TOWN COUNCIL MEMBERS

The Board of County Commissioners met with the Mayor and Town Council, City of Hagerstown at 4:00 p.m. at 1 East Franklin Street, Hagerstown, Maryland.

The Board of County Commissioners meeting reconvened at 4:05 p.m. with the City of Hagerstown Mayor and Town Council.

The matters of discussion included the payment from the City of Hagerstown to Washington County for the 911 Dispatch Services, of which staff is to prepare a presentation to depict the processes of the 911 Center and cost of said services. Additionally, Scott Nicewarner, City Administrator, requested the Commissioners consider a new Memorandum of Understanding regarding said cost. All parties reached a consensus that the matter is to be assigned a timeline, at the recommendation of Commissioner Keefer, which would be three (3) months for resolution.

The elected officials further discussed a request to add fire service to the City of Hagerstown tax differential. Mr. Nicewarner added that this would need to be addressed during the next budget process. All parties reached a consensus to assign a timeline for this process review of six (6) months.

Additionally, the parties discussed a proposed Washington County Fire-Rescue Commission Governance Model and reached a consensus to create a review committee to include Chief Lohr, Dave Hays, Director, EMS, and Dale Fishack, President, Washington County Volunteer Fire and Rescue Association. They assigned this committee with the task of reviewing the base model and present a final proposal during the next joint meeting. Ms. Keller proposed October 12th or October 19th as the next joint meeting between the Board of County Commissioners and the City of Hagerstown Mayor and Town Council.

Upon conclusion of all business, the meeting was adjourned upon the consent of all Commissioners at 4:55 p.m.



Krista L. Hart, County Clerk

