



## Board of County Commissioners of Washington County, Maryland

### *Open Session Minutes*

June 28, 2022

#### **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 10:00 a.m. at 100 West Washington Street, Hagerstown, Maryland, with the following members present: Commissioner Terry L. Baker; Commissioner Wayne K. Keefer; Commissioner Charles A. Burkett; and Commissioner Randall E. Wagner.

#### **APPROVAL OF MINUTES**

Commissioner Baker, seconded by Commissioner Burkett, moved to approve the minutes of June 14, 2022. The motion passed 3-1-0; Commissioner Keefer abstained due to an absence.

#### **COMMISSIONER COMMENTS**

*The Commissioners provided a brief overview of events attended throughout Washington County.*

Vice President Baker thanked Dr. Boyd Michael, Superintendent, Washington County Public Schools, for his years of service.

Commissioner Keefer wished Dr. Sovine good luck in his upcoming new role; he also echoed Vice President Bakers comments. Additionally, he added that he attended the MML Conference and reached completion of his Academy for Excellence Certificate program, sharing course titles required. He also thanked everyone who responded to a recent 911 call he was a part of.

Commissioner Burkett also congratulated Dr. Michael in his upcoming retirement.

Commissioner Wagner echoed Commissioner Baker's comments. Additionally, he requested that staff review budgetary surplus amounts and provide the Commissioners with an update.

President Cline congratulated Dr. Michael and thanked him for his years of service to the community.

#### **STAFF COMMENTS**

##### County Clerk

##### Washington County Plumbing and Mechanical Board

Commissioner Baker, seconded by Commissioner Wagner, moved to reappoint Arnold Eby and Charles Semler, each to serve a sixth term from February 1, 2022 through January 31, 2025; this is NOT a paid board. The motion passed unanimously.

##### County Administrator

John Martirano thanked staff for assisting during his absence; he reminded all that there will be no meeting next week due to the 4<sup>th</sup> of July holiday. He also thanked Dr. Michael for his service to the citizens of Washington County.

### **CITIZEN PARTICIPATION**

Dr. Boyd Michael, Superintendent, Washington County Public Schools, 10435 Downsview Pike, Hagerstown, thanked the Commissioners for the kind comments. Additionally, he discussed budget for the upcoming fiscal year, to include the staffing shortage.

### **FISCAL YEAR 2022 BUDGET ADJUSTMENTS TO THE WASHINGTON COUNTY BOARD OF EDUCATIONS GENERAL FUND BUDGET**

Jeffrey Proulx, Chief Operating Officer, and David Brandenburg, Executive Director of Finance, Washington County Public Schools presented for approval, budget adjustments to the Board of Education's (BOE) Fiscal Year 2022 (FY22) General Fund Budget. Mr. Proulx reviewed the changes to the budget as approved by the BOE on June 14, 2022, as outlined.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the budget adjustments to the BOE FY22 General Fund Budget as presented. The motion passed unanimously.

### **PUBLIC HEARING: APPLICATION FOR ZONING MAP AMENDMENT RZ-21-005**

President Cline convened a public hearing at 10:30 a.m. to obtain public comment regarding the rezoning application to establish a new Mixed-Use Commercial (MXC) floating zone over top of the existing Highway Interchange (HI) base through a rezoning map amendment. President Cline reviewed the procedures for the Public Hearing; Krista Hart, County Clerk, provided the Oath for those wishing to provide testimony in the matter.

Travis Allen, Comprehensive Planner, ~~and Jill Baker, Director,~~ Planning and Zoning, presented the staff report and analysis for RZ-21-005. The applicant, Sharpsburg Pike Holdings, LLC seeks a map amendment to establish a new Mixed-Use zoning district at 10319 Sharpsburg Pike, approximately 1/3 mile south of Interstate 70 interchange.

On November 30, 2021, the Board of County Commissioners held a public hearing for the proposed map amendment. At that time, the applicant submitted additional information concerning their plans to address school capacity by proposing age-restricted residential units. Because this information was not available to the Planning Commission at its original August 30<sup>th</sup> public information meeting, the Board remanded this application back to the Planning Commission for additional review and comment. The Planning Commission held a second public information meeting on February 7, 2022 for the purpose of reviewing the applicant's additional information and taking public comment; Planning Commission again voted unanimously to recommend denial.

Zachary Kieffer, Law Office of Zachary J. Kieffer, LLC, 19405 Emerald Square, Suite 2100, Office 202, Hagerstown, Maryland, presented on behalf of the applicant, discussing the proposed age restricted units.

Trevor Frederick, Engineer, Frederick, Seibert, and Associates, 128 S Potomac Street; and Sassan Shaol, 1741 Dual Highway spoke on the number of planned units.

The Public Hearing was opened for citizen participation; no citizens offered testimony.

The Public Hearing was opened for Commissioner comment.

Commissioner Wagner inquired into the permissible uses for the location, to include the proposed units and the impact on schools, if any.

Commissioner Keefer asked who would be responsible to "police" the age requirements.

Commissioner Burkett discussed the community opposition shared.

Commissioner Keefer discussed the school capacity, referencing material included in the Agenda Request Form under staff report. Jill Baker, Director, shared that the demographic information is required. Additionally, he discussed the Medium Range Growth Area and water supply.

The Public Hearing was concluded at 11:03 a.m.

The Commissioners reached a consensus to discuss the matter at a future meeting.

*The Commissioners recessed at 11:05 a.m. and returned to the meeting*

**PUBLIC HEARING: TEXT AMENDMENT TO BUILDING EXCISE TAX ORDINANCE**

President Cline convened a Public Hearing at 11:16 a.m. to obtain public comment regarding proposed text amendments to the Building Excise Tax Ordinance, Section 7. Commissioner Cline reviewed the procedures for the Public Hearing.

Rich Eichelberger, Director, Permits and Inspections, and Kirk Downey, County Attorney, provided an overview of the matter. Mr. Eichelberger shared that the proposed amendments would remove conversion construction from (1) nonresidential, nonretail to nonresidential retail and (2) from nonresidential retail to nonresidential nonretail from the tax.

The Public Hearing was opened for public comment; no citizens offered testimony on the matter.

The Public Hearing was opened for Commissioner comment.

The Public Hearing was closed at 11:18 a.m.

Commissioner Burkett, seconded by Commissioner Baker, moved to the proposed text amendments as presented. The motion passed unanimously.

**APPLICATION FOR ZONING MAP AMENDMENT RZ-22-002**

Mr. Allen requested approval to approve or deny the applicant's request to rezone the property located at 21036 National Pike, for a partial termination of the Rural Business Floating Zone on 5.64 acres, to enable the applicant to pursue a residential use. Mr. Allen shared that the Planning Commission reviewed and recommended approval at its regular meeting on June 6, 2022.

Commissioner Wagner, seconded by Commissioner Burkett, moved to approve the application for Zoning Map Amendment RZ-22-002, as presented. The motion passed unanimously.

**FORT RITCHIE GRAVITY LINES AND MANHOLE REPLACEMENT**

Mark Bradshaw, Director, Environmental Management, recommended approval of Change Order Number 4 for C. William Hetzer, Inc., in the amount of \$51,929 to align bid quantities with field quantities.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve Change Order Number 4 with C. William Hetzer, Inc. in the amount of \$51,929, as presented. The motion passed unanimously.

**CONTRACT BID AWARD (PUR1553) ENGINEERING SERVICES REQUIREMENTS  
CONTRACT FOR THE DEPARTMENT OF SOLID WASTE**

Brandi Naugle, Buyer, Purchasing, and Dave Mason, Deputy Director, Solid Waste, recommended award of a contract for the Engineering Services for the Department of Solid Waste to the responsible, responsive bidder, SCS Engineers, Columbia, Maryland, in the about of \$156,490 at the specified unit costs and estimated hours (no minimum or maximum guaranteed); and, as permitted in the Request for Proposals, a "stand-by list" of consultants, under exact terms, as follows: EA Engineering, Science, and Technology, Inc.; PBC and ARM Group Enterprises, LLC A/K/A Arm Group, LLC.; funds are budgeted in various Capital Improvement Projects and General Operating Budget project accounts. The contract duration is two (2) years, with option by the County to renew up to three (3) additional consecutive one (1) year periods.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve award of the contract PUR1553, as presented. The motion passed unanimously.

**CONTRACT BID AWARD (PUR1554) LANDFILL MONITORING SERVICES REQUIREMENTS CONTRACT FOR THE DEPARTMENT OF SOLID WASTE**

Rick Curry, Director, Purchasing, and Mr. Mason recommended award of a contract for the Landfill Monitoring Services to the responsible, responsive bidder, Environmental Alliance, Inc., Glen Burnie, Maryland, in the lowest total amount of \$110,051.99 (annual); funds are budgeted in the departments operating budget.

Commissioner Wagner, seconded by Commissioner Baker, moved to approve the award of the contract PUR1554 to Environmental Alliance, Inc, in the amount of \$110,051.99, as presented. The motion passed unanimously.

**CONTRACT BID AWARD (PUR1547) ENGINEERING SERVICES REQUIREMENTS CONTRACT DIVISION OF ENVIRONMENTAL MANAGEMENT**

Mr. Curry and Mr. Bradshaw recommended award of a primary requirements contract for Engineering Services, Division of Environmental Management to the responsible, responsive bidder, The EADS Group, Inc., Cumberland, Maryland in the amount of \$127,750 at the specified unit costs and estimated hours (no minimum or maximum guaranteed); and, as permitted in the Request for Proposals, a “stand-by list” of consultants, under exact terms as follows: Buchart Horn, Inc.; Charles P. Johnson and Associates, Inc.; AECOM Technical Services, Inc.; EA Engineering, Science, and Technology, Inc.; funds are budgeted in various Capital Improvement Projects and General Operating Budget project accounts. The contract duration is two (2) years, with option by the County to renew up to three (3) additional consecutive one (1) year periods.

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve award of the contract PUR1547, as presented. The motion passed unanimously.

**INTERGOVERNMENTAL COOPERATIVE PURCHASE (INTG-22-0089) TWO NEW 2023 COMPACT VEHICLES**

Mr. Curry and Mr. Bradshaw recommended authorization by Resolution for the Division of Environmental Management to purchase by Resolution two (2) new 2022 Chevrolet Colorado pickup trucks in the amount of \$26,423 each, for a total cost of \$52,846 from Sport Chevrolet Company, Inc., Silver Spring, and to utilize another jurisdiction’s contract awarded by the State of Maryland (Contract number 001B600427). Mr. Curry added that the funds are budgeted in the Capital Improvement budget account 37-40010-VEH.

Commissioner Baker, seconded by Commissioner Wagner, moved to authorize by Resolution the purchase of two (2) Chevrolet Colorado pickup trucks from Sport Chevrolet Company, Inc. in the amount of \$52,846, as presented. The motion passed unanimously.

(Resolution No. RS-2022-24 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is in the County Commissioners’ Office.)

**SOLE SOURCE PROCUREMENT (PUR1561) FAMILY CENTERED SUPPORT SERVICES IN WASHINGTON COUNTY, MARYLAND**

Mr. Curry and Rachel Souders, Senior Grant Manager, Office of Grant Management, recommended award of a sole source procurement to the Washington County Department of Social Services, for the operating expenses of he Family Center operated by the Washington County Department of Social Services, contingent upon contract approval and the subsequent funding award from the Maryland Governor’s Office of Crime Prevention, Youth, and Victim Services, in the amount of \$88,800, as per Section 1-106.2(a)(1) and (2) of the Code of Public Local Laws of Washington County, Maryland; no county funds have been requested.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the award of PUR1561 to Washington County Department of Social Services in the total amount of \$88,800, as presented. The motion passed unanimously.

**SOLE SOURCE PROCUREMENT (PUR1562) PROVISION OF HEALTHY FAMILIES HOME VISITING SERVICES IN WASHINGTON COUNTY, MARYLAND**

Mr. Curry and Ms. Souders recommended award of a sole source procurement to the Washington County Health Department, for the operating expenses of the Health Families Home Visiting Program operated by the Washington County Health Department in the amount of \$271,386, as per Section 1-106.2(a)(1) and (2) of the Code of Public Local Laws of Washington County, Maryland; no county funds have been requested.

Commissioner Baker, seconded by Commissioner Wagner, moved to approve the award of PUR1562 to the Washington County Health Department in the total amount of \$271,386, as presented. The motion passed unanimously.

**EMERGENCY RENTAL ASSISTANCE PROGRAM (ERAP) – ADDITIONAL FUNDING REQUEST**

Ms. Souders recommended approval of the acceptance of additional ERAP funding from the Department of Housing and Community Development in the amount of \$21,238,588.

Commissioner Burkett, seconded by Commissioner Keefer, moved to approve accept the funding as awarded. The motion passed unanimously.

**POLICE ACCOUNTABILITY, COMMUNITY, AND TRANSPARENCY GRRANT PROGRAM – APPROVAL TO SUBMIT APPLICATION AND ACCEPT FUNDING SEX OFFENDER COMPLIANCE AND ENFORCEMENT MARYLAND GRANT**

Cody Miller, Quartermaster/Grants Manager, Washington County Sheriff's Office, and Ms. Souders recommended approval to submit the grant application for the FY23 Police Accountability, Community, and Transparency Grant Program to the Governor's Office of Crime Control and Prevention in the amount of \$67,500 and to accept funding as awarded.

Commissioner Wagner, seconded by Commissioner Keefer, moved to approve the submission of the grant application to the Governor's Office of Crime Control and Prevention in the amount of \$67,500 and to accept funding as awarded. The motion passed unanimously.

**HOUSING AUTHORITY OF WASHINGTON COUNTY, MD – COOPERATION AGREEMENT**

Kirk Downey, County Attorney, recommended approval to dissolve the Cooperation Agreement dated March 17, 1981, between the Housing Authority of Washington County, Maryland and the Board of County Commissioners of Washington County.

Commissioner Burkett, seconded by Commissioner Wagner, moved to approve the dissolution of the Cooperation Agreement, as presented.

**AGRICULTURE – NATIONAL DAIRY MONTH**

Susan Grimes, Director, Business Development, shared the agricultural-focused video marketing campaign showcasing one local Washington County farm; which will be shared on the County website.

**CLOSED SESSION**

Commissioner Wagner, seconded by Commissioner Baker, moved to convene in closed session at 11:50 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, in accordance with Section 3-305(b) (1) of the General Provisions Article of the Annotated Code of Maryland. The motion passed unanimously.

In closed session, the Commissioners discussed the compensation and filling of certain personnel and Board/Commission vacancies with specific candidates.

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; Kirk C. Downey, County Attorney, and Krista L. Hart, County Clerk.

### **RECONVENE IN OPEN SESSION**

Commissioner Wagner, seconded by Commissioner Baker, moved to reconvene in open session at 12:21 p.m. The motion passed unanimously.

### **STAFF COMMENTS (CONTINUED)**

#### *Human Resources – Deb Condo, Interim Director*

Ms. Condo presented the recommendation to hire Lane Heimer for the position of Weed Management Specialist (Grade 14, Step 1); this is a new position.

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

Ms. Condo presented the recommendation to promote Airin Martin to the position of Treatment Plant Superintendent (Grade 13, Step 1); this position is vacant due to the retirement of Terry Wray.

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

#### *Police Accountability Board Appointments*

Krista Hart, Clerk, presented the recommendation to appoint the following members to the Police Accountability Board: Brett McKoy to serve a two (2) year term from July 1, 2022 through June 30, 2024; Steve McCarty to serve a three (3) year term from July 1, 2022 through June 30, 2024, and to designate Mr. McCarty to serve as Chair of the Board; Rob Bowman to serve a two (2) year term from July 1, 2022 through June 30, 2024; and, Tim Hafer to serve a two (2) year term from July 1, 2022 through June 30, 2024.

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

### **ADJOURNMENT**

Commissioner Wagner, seconded by Commissioner Burkett, moved to adjourn the meeting 12:25 p.m. The motion passed unanimously.

  
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Krista L. Hart, County Clerk