

**BOARD OF COUNTY COMMISSIONERS OF
WASHINGTON COUNTY, MARYLAND
Open Session Minutes**

August 14, 2018

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner John F. Barr offered the Invocation followed by the Pledge of Allegiance to the Flag by the full assemblage.

CALL TO ORDER

President Terry L. Baker called the regular meeting of the Board of County Commissioners of Washington County, Maryland, to order at 8:10 a.m. at 100 West Washington Street, Room 1113, Hagerstown, Maryland, with the following members present: Vice President Jeffrey A. Cline and Commissioners John F. Barr, Wayne K. Keefer and LeRoy E. Myers, Jr.

CONVENE IN CLOSED SESSION

Commissioner Myers, seconded by Commissioner Barr, moved to convene in closed session at 8:11 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 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), (4), (7), (8) 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 an advisory council, a local authority and a local commission over which the Commissioners have appointing authority; considered a number of specific employment recommendations and relating staffing issues with staff; received information and legal advice on an ongoing contractual matter; received an update on several economic development matters including proposals from companies that may locate or expand in the County; discussed an ongoing contractual/legal matter that could ultimately lead to litigation; and discussed several specific personnel matters.

During closed session, the Commissioners provided direction regarding the filing of certain vacancies on an advisory council, an authority, and a commission, including the further discussion and presentation for approval of these individuals during today's open session meeting; provided guidance to staff relating to a number of employment recommendations and vacancies; provided direction to staff regarding several specific personnel matters; and instructed staff to take certain action relating to ongoing contractual and legal matters.

Present during closed session were Commissioners Terry L. Baker, Jeffrey A. Cline, John F. Barr, Wayne K. Keefer, and LeRoy E. Myers Jr. Also present were Robert J. Slocum, County Administrator; Krista L. Hart, County Clerk; John M. Martirano, County Attorney, and at various times Jim Hovis, Chief Operations Officer; Deb Peyton, Director, Health and Human Services; Dave Hays, Director, Emergency Services; Steve Goodrich, Director, Planning and Zoning; Dave Mason, Deputy Director, Solid Waste, Division of Environmental Management; Phil Ridenour, Director, Hagerstown Regional Airport; Kirk Downey, Deputy County Attorney; Susan Small, Business Leader and Rick Rock, Executive Director, Washington County Mental Health.

RECONVENE IN OPEN SESSION

Commissioner Cline, seconded by Commissioner Barr, moved to reconvene in open session at 10:06 a.m. The motion passed unanimously.

COMMISSIONERS' REPORTS AND COMMENTS

Commissioner Keefer thanked Washington County staff for the Commissioner Candidate Open House which was held on August 13, 2018.

REPORTS FROM COUNTY STAFF

County Administrator

Rob Slocum thanked staff and Commissioner candidates for their attendance at the Candidate Open House, held August 13, 2018. In addition, Mr. Slocum advised the Commissioners that Dr. Jenaway, VFIS Consultants will not be in attendance for the presentation of the Fire and Emergency Medical Services Study due to an illness; however, his presentation will be rescheduled.

County Clerk – Appointment / Reappointment to Boards and Commissions:

Historic District Commission

Commissioner Barr, seconded by Commissioner Myers, moved to appoint Ann Aldrich and Vernell Doyle to each fill a vacant position for a first, three-year term through August 31, 2021. The motion passed unanimously.

Emergency Services Advisory Council

Commissioner Keefer, seconded by Commissioner Barr, moved to appoint Gary Farrell as the Washington County Volunteer Fire and Rescue Association representative to serve an unfulfilled term through March 31, 2019. The motion passed unanimously.

Washington County Mental Health Authority, Inc.

Commissioner Barr, seconded by Commissioner Keefer, moved to appoint G. Edward Branthaver to serve a first, three-year term as an Elder Advocate through May 31, 2021; Raegon Clutz Jr. to serve a first, three-year term as an At Large Member through May 31, 2021; Anna Katherine Mollo to serve a first three-year term as a Family Advocate through December 31, 2021; Julie Matheny to serve a first, three-year term as Child Advocate through July 31, 2021, and to appoint Carlton Munson to serve a first, three-year term as Child Advocate through July 31, 2021. The motion passed unanimously.

CITIZENS' PARTICIPATION

None

**PROCLAMATION FOR DISABLED AMERICAN VETERANS ORGANIZATION
“FORGET-ME-NOT” MONTH**

President Terry Baker, with the Commissioners, presented a proclamation to former Commander J. R. Arnold, and Commander Dennis DuBrowa of Chapter 14 of the Disabled American Veterans in recognition of “Forget-Me-Not Month,” observed in September. Mr. Arnold stated that all monies collected by group members at various locations in the community go toward local veterans’ needs. The Commissioners commended the organization for its service to the community.

PROCLAMATION FOR NATIONAL HEALTH CENTER WEEK

Commissioner Keefer, on behalf of the Commissioners, presented a proclamation to Kim Murdaugh, Executive Director of Family Healthcare of Hagerstown, Susan Salvagno, President of the Tri-State Community Health Center, and Susan Walter, Executive Director of the Tri-State Community Health Center in Hancock. The proclamation recognizes National Health Center Week, observed August 12-18, 2018. Family Healthcare of Hagerstown and the Tri-State Community Health Center are locally owned and operated health centers serving Washington County residents. Ms. Murdaugh and Ms. Walter described the services provided by the centers and thanked the Commissioners for their recognition.

HOPKINS FAMILY REVOCABLE TRUST CONSERVATION RESERVE ENHANCEMENT PROGRAM – EASEMENT PROPOSAL

Eric Seifarth, Rural Preservation Administrator, Department of Planning and Zoning, requested approval of the Hopkins Family Revocable Trust Conservation Reserve Enhancement Program (CREP) easement project, which is paid 100% by the State, in the total amount of \$705,861.10 for 206.61 easement acres, to adopt an ordinance approving the purchase of the easement, and to authorize the execution of all of the necessary documentation to finalize the easement purchase.

Mr. Seifarth described the location of the Hopkins property as 12923, 12951 & 12731 Licking Creek Road, Big Pool, Maryland. The CREP easement will protect roughly 32 acres of woodland and 164 acres of pastureland, as well as buffer over 5,000 feet of Licking Creek and its tributaries; the farm contains a historic house and is surrounded by other historic properties. Mr. Seifarth added that all fourteen (14) development rights will be extinguished.

Mr. Seifarth informed the Commissioners that CREP funds are 100% State dollars and in addition to those easement funds, the County receives up to 3% of the easement value for administrative costs, and 1.5% for compliance costs and funds to cover all legal costs and surveys.

Commissioner Myers, seconded by Commissioner Keefer, moved to approve the Hopkins Family Revocable Trust CREP easement in the amount of \$705,861.10 for 206.61 easement acres, to approve the adoption of an Ordinance approving the easement purchase, and to authorize the execution of the necessary documentation required to finalize the easement purchase as presented. The motion passed unanimously.

(Ordinance No. ORD-2018-19 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioner's Office.)

REPEAL AND RE-ENACTMENT OF THE AGRICULTURAL LAND PRESERVATION DISTRICT ORDINANCE, WITH ACCOMPANYING REGULATIONS; AND REPEAL AND RE-ENACTMENT OF THE WASHINGTON COUNTY AGRICULTURAL REAL PROPERTY TAX CREDIT ORDINANCE—FOLLOW-UP TO JULY 24, 2018 PRESENTATION

Eric Seifarth, Rural Preservation Administrator, Department of Planning and Zoning, requested that the Commissioners repeal and re-enact the Agricultural Land Preservation District Ordinance with a ten (10) year initial period and subsequent five (5) year periods, with accompanying

Regulations, and to repeal and re-enact the Agricultural Real Property Tax Credit Ordinance; both as presented in a Public Hearing on July 24, 2018.

The Commissioners took no action following a public hearing held July 24, 2018. Mr. Seifarth generally reviewed the public comments received during the public hearing, as well as phone calls received, and requested that the Commissioners take action to approve or deny the repeal and re-enactment.

President Baker requested that Mr. Ditto (citizen) restate his proposal to the Commissioners, as he presented during the July 24th public hearing. Mr. Ditto noted that the five (5) year exit plan rather than the ten (10) year exit plan would accommodate changes in life that people could experience during the ten (10) year term.

Commissioner Barr, seconded by Commissioner Keefer, moved to approve the repeal and re-enactment of the Agricultural Land Preservation District Ordinance providing a five (5) year exit plan rather than the proposed ten (10) year exit plan. The motion passed unanimously.

LOAN PROPOSAL – FIRST HOSE COMPANY OF BOONSBORO

Dave Hays, Director, Division of Emergency Services; Dale Hill, President, Washington County Volunteer Fire and Rescue Association; Fire Chief Oley Griffith, and Courtney Hersh, Administration Officer, President, First Hose Company of Boonsboro, requested approval for the Division of Emergency Services to encumber the original revolving loan value of \$300,000.00. On November 18, 2014, the County Commissioners authorized a loan to the First Hose Company of Boonsboro. The loan was distributed from the Volunteer Fire and Rescue Revolving Loan Fund. The Revolving Loan Fund is utilized to assist volunteer fire and EMS departments purchase large apparatus when sufficient funds are not available elsewhere. A request is also being made to defer additional payments on the loan for a period of 36-months; or until adequate Capital Improvement (CIP) funds dedicated for volunteer apparatus and equipment replacement are available to repay the loan value. Additionally, at the end of the 36-month deferment period, Mr. Hays requested that the County reimburse the First Hose Company of Boonsboro \$57,161.85 which is the amount that has already been repaid to the County under the original loan obligation. Further, that upon completion of the loan forgiveness, the First Hose Company of Boonsboro will affect title transfer of the vehicle to the County.

Commissioner Keefer, seconded by Commissioner Cline, moved to approve the encumbrance of the \$300,000.00 revolving loan value by the Division of Emergency Services; to defer payments on the loan for a period of 36 months or until adequate CIP funds dedicated for volunteer apparatus and equipment replacement are available to repay the loan; reimburse the First Hose Company of Boonsboro \$57,161.85 for previous payments to original loan obligation, and upon completion of loan forgiveness, accept title transfer of the vehicle. The motion passed unanimously.

WASHINGTON COUNTY VOLUNTEER FIRE AND RESCUE ASSOCIATION (WCVFRA) FIRE AND EMERGENCY MEDICAL SERVICES STUDY – FINAL REPORT

Dave Hays, Director, Division of Emergency Services, and Dale Hill, President, Washington County Volunteer Fire and Rescue Association, shared the final study results which was authorized by the Board of Commissioners on January 14, 2018. Director Hays explained that Dr. Jenaway,

VFIS Consultants, was unable to attend for presentation of the study due to an illness. Mr. Hays stated that the VFIS Study evaluated equipment, apparatus and staffing, to include the burden the associated costs place upon County Government and the volunteer departments. The study also evaluated the shortage of volunteer hours for call responses and fundraising activities. Current and future deployment strategies for staffing, operational policies and procedures, bylaws, training needs and changes in standards and applicable local, state and federal laws were also considered.

The study noted that long term planning and more coordination is needed and provided recommendations in six (6) Strategic Planning Phases. Mr. Hays outlined a few key topics from the study and noted plans which are already in effect. Mr. Hays offered the Commissioners a 45-day question and answer period due to Dr. Jenaway's absence, stating that items would be discussed in greater detail upon his return.

Commissioner Barr left the meeting at 11:23 a.m.

EMERGENCY NUMBER SYSTEMS BOARD – APPROVAL TO SUBMIT FUNDING REQUEST

Stephanie Lapole, Grant Manager, Office of Grant Management, and Jennifer Swisher, Programs Manager, Emergency Communications, requested approval to submit a funding request to the Emergency Number Systems Board for \$34,645.34 to purchase twenty-one (21) 24-hour use black Iron Horse chairs with ultra-leather covering, comfort headrest, ergo HD tilt-up arm rest, HD head tilt mechanism, composite base 60 mm hard casters for use in the Emergency Communications Center for the next four (4) to five (5) years; and to accept awarded funding.

Ms. Lapole stated that the Office of Grant Management reviewed the funding request and determined that it is consistent with the Emergency Number Systems Boards' purpose. There is no matching funds requirement associated with this funding request.

Commissioner Myers, seconded by Commissioner Cline, moved to approve the submission of a funding request to the Emergency Number Systems Board for \$34,645.34 to purchase twenty-one (21) 24-hour use Black Iron Horse chairs and to accept the award funding. The motion passed unanimously. (4-0, Commissioner Barr was absent)

Commissioner Barr returned to the meeting at 11:25a.m.

WASHINGTON COUNTY COMMISSIONERS INTENT RESOLUTION REGARDING THE ISSUANCE OF NOT TO EXCEED \$5,000,000 OF ECONOMIC DEVELOPMENT REVENUE BONDS FOR THE BENEFIT OF WILLOW INVESTMENT HOLDINGS, LLC AND/OR ITS AFFILIATE BEACHLEY FURNITURE COMPANY, INC.

Lindsay Rader, Bond Counsel for Washington County, and Sara Greaves, Chief Financial Officer, Budget and Finance, requested approval of a resolution expressing the intention of County Commissioners of Washington County to issue and sell one or more series of Economic Development Revenue Bonds in an original aggregate principal not exceeding \$5,000,000 and to loan the proceeds of the Bonds to Willow Investment Holdings, LLC and/or its affiliate Beachley Furniture Company, Inc. (Company), who has indicated that it reasonably expects to pay costs of the project prior to issuance of the bonds and to use the proceeds of the bonds to reimburse all or a portion of such previously paid costs. Ms. Rader stated that Willow Investment Holdings, LLC

has requested that the County adopt the Resolution in order to express the County's intention to issue the bonds and to preserve the company's ability to use proceeds of the bonds for reimbursement purposes in accordance with provisions of the U.S. Treasury Regulations, under the Internal Revenue Code of 1986.

Ms. Greaves stated that the company intends to use proceeds of the bonds loaned to it by the County to finance, reimburse or refinance all or a portion of the cost of the acquisition of a parcel located at 858 Willow Circle, Hagerstown, Maryland, including an adjoining vacant parcel of land, including a one-story building, and to pay all or a portion of the costs of issuing the bonds and other related costs of the transaction permitted by the Act.

The proposed Resolution also authorizes appropriate County officials to take necessary actions in connection with the contemplated transaction, including applying for certain volume cap allocations required by the Code. Before any bonds are issued, the Board of County Commissioners will need to adopt a separate authorizing resolution in accordance with the provisions of the Act.

Ms. Greaves explained that there will be no financial impact on the County and that the County will be a conduit issuer of the contemplated bonds. The County will not pledge its faith and credit or its taxing power to payment of the bonds. The issuance of the bonds will not have any impact on the County's borrowing limits or financial position and the borrower will be responsible for all costs of the transaction, regardless of whether the bonds are ever issued.

Commissioner Barr, seconded by Commissioner Keefer, moved to approve the Resolution expressing the intention of the County to issue and sell one or more series of Economic Development Revenue bonds in an original aggregate principal not exceeding \$5,000,000 and loan the proceeds of the bonds to Willow Investment Holdings, LLC and/or its affiliate Beachley Furniture Company, Inc. as presented. The motion passed unanimously.

(Resolution No. RS-2018-20 is recorded among the Acts, Ordinances, and Resolutions of Washington County and the original is located in the County Commissioner's Office.)

EDWARD J. BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT – APPROVAL TO SUBMIT APPLICATION AND ACCEPT AWARDED FUNDING

Tina Wilson, Senior Grant Manager, Office of Grant Management, withdrew this request due to the grant amount being under \$25,000.00.

Commissioner Myers left the meeting at 11:38 a.m.

PROFESSIONAL BOULEVARD PROPERTY ACQUISITION

Todd Moser, Real Property Administrator, Division of Engineering, and Scott Hobbs, Director, Division of Engineering requested approval for property acquisition related to the extension of Professional Boulevard project. Mr. Moser explained that option agreements have been negotiated with Washington County Mental Health Center, Inc. for the purchase of 1.93 acres for \$78,079; with Meritus Medical, Inc. for the purchase of 6.89 acres for \$408,139; and with Hagerstown-Washington County Industrial Foundation, Inc. (CHIEF) for the purchase of 2.89 acres for zero

consideration. He indicated that this a budgeted project with funds supplied from RDI055 and RDI056.

Commissioners Barr, seconded by Commissioner Cline, moved to approve the option agreements for easement and fee simple acquisitions with Washington County Mental Health Center, 1.93 acres in the amount of \$78,079; Meritus Medical, 6.89 acres, in the amount of \$408,139; and CHIEF, 2.89 acres for zero consideration as presented. The motion passed unanimously (4-0, Commissioner Myers was absent)

CRAYTON BOULEVARD EXTENDED

Scott Hobbs, Director, Division of Engineering, provided follow-up information to a previous discussion with the Commissioners on July 24, 2018. Mr. Hobbs indicated that staff has been working with the private partners on the terms of the public-private partnership agreement to extend Crayton Boulevard as part of the current development plans for DRI/TCC VISTA and Perini Industrial Land. Mr. Hobbs detailed the construction plan as Phase 1 being an Appalachian Regional Commission Project, scheduled to begin in September with completion in the spring of 2019; Phase 2 is to be completed by the private partners utilizing the public contribution and is anticipated to be completed in 2019, extending Crayton Boulevard from the end of Phase 1 to Showalter Road. Mr. Hobbs requested approval to move forward with the public-private partnership Agreement.

Commissioner Barr, seconded by Commissioner Cline, moved to approve the public-private partnership Crayton Boulevard Construction Agreement as presented. The motion passed unanimously (4-0, Commissioner Myers was absent)

Commissioner Myers returned at 11:43am.

WASHINGTON COUNTY RADIO COMMUNICATIONS MANAGEMENT COMMITTEE MEMBERSHIP

Ron Whitt, Director, Division of Information Systems, requested approval for the proposed creation of a non-voting Public Safety Communications Advisory Board. Mr. Whitt explained that on June 19, 2018, a presentation was made to the Commissioners highlighting the mission, responsibilities, functions and membership of the Washington County Radio Communications Management Committee. In response to the Commissioner's discussion regarding additional input from the public safety community, the Radio Communications Management Committee met on July 25, 2018 to discuss how best to provide the additional input the Commissioners had requested. During that meeting, the Committee proposed a non-voting, Public Safety Communications Advisory Board be established for that purpose. Mr. Whitt explained that the Advisory Board would be incorporated into the County's Radio Communications Management Committee as non-voting members and that the Radio Communications Management Committee mission document would include the following:

"The Public Safety Communications Advisory Board shall consist of six (6) non-voting representatives from the public safety community as outlined below and shall act exclusively in an advisory capacity. 1 – City of Hagerstown Fire Chief (or designee) 2 – City of Hagerstown Police Chief (or designee) 3 – Washington County Volunteer Fire & Rescue Association President (or designee) 4 – Town of Boonsboro Police Chief (or designee) 5 – Town of Hancock Police Chief (or designee) 6 – Town of Smithsburg Police Chief (or designee)."

President Baker asked Mr. Whitt to list the voting members of the Committee. Mr. Whitt explained that current voting members consist of Mr. Dave Hays, Director of Emergency Services; Rob Slocum, County Administrator; Mark Mades, Communication Manager; Sheriff Doug Mullendore, and Josh O'Neal, Deputy Director of Information Technology.

Commissioner Keefer asked for Dale Hill, President, Washington County Volunteer Fire & Rescue Association to offer thoughts and comments on the proposal. Mr. Hill stated that since the Committee provides input as to strategy, operations, policies and other avenues regarding the communications system, Washington County Fire and Rescue Association should have a voting member on the Radio Communications Management Committee, rather than a non-voting member on the Advisory Board. Commissioner Keefer suggested that a member of the Volunteer Fire and Rescue Association be added to the Radio Communications Management Committee as a voting member rather than to the Advisory Board as non-voting member.

Commissioner Keefer, seconded by Commissioner Myers, moved to approve the addition of the Volunteer Fire and Rescue Association President (or designee) as a voting member to the Radio Communications Management Committee and to approve the Public Safety Communications Advisory Board consisting of five (5) non-voting members consisting of the municipalities. The motion passed unanimously.

WASTE TO ENERGY

Rob Slocum, County Administrator; David Mason, Deputy Director, Solid Waste, and John Martirano, County Attorney, requested consensus for the sending of a letter to Mr. Kevin Whited, President of Green Kinetics Gateway, LLC (GKG), regarding obligations under the terms of the Agreement on Ownership of the Engineering Documents for the Waste to Renewable Energy Facility at the 40 West Landfill.

The Commissioners reached a consensus to send a letter from the Commissioners to GKG regarding the County's position on the Gap Funding issue.

CASCADE DEVELOPMENT

Rob Slocum, County Administrator, John Martirano, County Attorney, and Jim Sterling, Director of Public Works, presented several items of interest to the Commissioners for consideration. Mr. Slocum stated that upon JG Business Link International's (JGBLI) return from a trip to Korea, which was approved by the Commissioners so that a contract could be secured with Dae Yeun Jin Hung, he was presented with a letter via e-mail from JGBLI stating that Dae Yeun Jin Hung have ceased interest and that Issac Holdings, LLC will be entering as the buyer under newly proposed terms. Mr. Slocum recommended that the County submit the same proposal as previously discussed, to include the same timeline as was submitted to Dae Yeun Jin Hung. Mr. Slocum elaborated on the proposed timeline which would extend the time by two weeks due to the change in buyer. President Baker stated that, with regard to the \$1.7 million, he is not interested in including any of those funds in a conveyance of the property as they are needed for operating expenses at the Fort Ritchie Community Center. In addition, President Baker stated that results are needed for the community; it is long overdue.

Commissioners reached a consensus to move forward with staff's recommendation to present the proposal as previously written to include the \$6 million purchase price, deposit, and timeline as previously outlined; with only the name of buyer changing.

ADJOURNMENT

Commissioner Barr, seconded by Commissioner Keefer, moved to adjourn at 12:05 p.m. The motion passed unanimously.



Robert J. Slocum, County Administrator



John Martirano, County Attorney



Krista L. Hart, County Clerk