

BOARD OF GARRETT COUNTY COMMISSIONERS
PUBLIC MEETING
APRIL 19, 2005

IN ATTENDANCE

Chairman Ernest J. Gregg

Commissioner David C. Beard

Commissioner Frederick A. Holliday

County Administrator R. Lamont Pagenhardt

CALL TO ORDER OF PUBLIC SESSION

PRAYER & PLEDGE OF ALLEGIANCE

PUBLIC SESSION

1. Additions/deletions to Public Meeting Agenda. Mr. Pagenhardt indicated that there was one addition and no deletions to the Public Meeting Agenda for April 19, 2005. Commissioner Beard had requested time for the Board of County Commissioners to speak with Colin Miller who had questions on the availability of public water and sewer service. Also, a briefing was provided to the Board on matters to be discussed in administrative session.
2. Minutes of the Public Meeting of April 12, 2005 and Executive Session of April 12, 2005 were read and approved on a motion by Commissioner Beard, which was seconded by Commissioner Holliday, and made unanimous by Chairman Gregg.
3. The Board of County Commissioners, on a motion by Commissioner Holliday, which was seconded by Commissioner Beard, and made unanimous by Chairman Gregg, approved and executed a Proclamation designating May 5, 2005 as “*A Day of Prayer in Garrett County*”.
4. Colin Miller requested consideration of the Board of County Commissioners to allow for all building permits to be issued based on the fact that public water and sewer is not available at this time. The County will begin construction on the Public Works Facility in the upcoming months and water and sewer infrastructure will be part of the initial planning. In attendance for this session was Gary Mullich, Director, Department of General Services. Mr. Miller referenced prior conversations and correspondence he had with former Department of Public Utilities Director Mark Tonkovich whereby he was promised service at a time that would not prohibit construction of the home. It was concluded that the County would designate the Department of Planning and Land Development to work with Mr. Miller on this issue.
5. The Board of County Commissioners and Mr. Mullich reviewed the following administrative issues:

- a) Equivalent residential units for Pysell Ridge – Mountain Village Project addressed on April 5, 2005. It was determined that the County Exhibit/Trade Center would require four (4) equivalent residential units. Garrett County Community Action Committee had requested purchasing thirty (30) units from the public reserve use pool. Based on this calculation estimate, the Board, on a motion by Commissioner Holliday, which was seconded by Commissioner Beard, and made unanimous by Chairman Gregg, approved the sale of these units from the public reserve use pool to Community Action.
 - b) Policy - Hunting on County Property. The Board, on a motion by Commissioner Beard, which was seconded and carried by Chairman Gregg, repealed the Garrett County Land Holdings Hunting Permit Policy enacted in January 2004. Commissioner Holliday voted in opposition to this motion.
 - c) Request for shared use agreement between Garrett County Government and the Santa Fe Grille for use of the Garrett County Visitor's Center parking area. Mr. Mullich presented commentary from the Garrett County Chamber of Commerce as tenant of the Visitor's Center stating an opinion of use for this purpose. An official memorandum of agreement will be drafted to outline the intent and purpose of this shared use to include (1) no employee parking, (2) proof of additional insurance must be provided by the Santa Fe Grille, (3) no signage on County property will be allowed, and (4) \$100 per space per year lease.
6. Brad Frantz, Director, Department of Emergency Management briefed the Board of County Commissioners on the following issues. Also in attendance for this session was Ginny McGann Smith, Department Emergency Preparedness Planner.
- a) Update on Emergency Management Numbers System Board issues.
 - b) Informational status update on recent airplane accident at the Garrett County Airport.
 - c) Funding has been approved for new 911 Telephone System and Mr. Frantz will present a briefing to the Board in the next several weeks.
 - d) Automated External Defibrillator placement location.
 - e) Presentation of State Homeland Security Grant Program
 - f) Garrett County Emergency Operations Plan
 - g) Training status update to included community emergency response team training and damage assessment training.
 - h) Update on Emergency Management Operations Plan – Emergency Support Function – MSS Care, Evacuation, and Sheltering Annex. A detailed summary of the NIMS category was distributed to the Board.
7. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session of April 12, 2005 is hereby documented on this date, the next open/public meeting of the Board of County Commissioners. Judge James Sherbin had requested time to meet with the Board of County Commissioners to discuss Court House security and the role of the Circuit Court and the Sheriff for Garrett County on April 5. Recent federal and state case law directs that courthouse security is the

nondelegable responsibility of the trial judge. It was the determination of the Board and the county administrator to schedule a session with all responsible parties to include Judge Sherbin, Sheriff Richard Sanders and Director of the Department of General Services Gary Mullich. That session was scheduled and conducted on this date.

In attendance were Sheriff Sanders, Chief Deputy Gary Berkebile, Mr. Mullich, Security Officer Randy Resh, and William Graham, Circuit Court Bailiff. Also in attendance representing Sheriff Sanders was Assistant Attorney General Cynthia Pelson. Judge Sherbin was not in attendance. It was determined that periodic meetings should be conducted to address all issues of Court House security, Circuit Court security, and other issues. Other concerns raised by Judge Sherbin in the April Administrative Session were not addressed on this date due to the fact that he was not in attendance.

8. Carol Riley, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the meeting and committee schedule for the forthcoming week.

ADMINISTRATIVE SESSION

1. Mr. Pagenhardt reviewed a number of correspondences and communications with the Board of County Commissioners.
2. The Board of County Commissioners, Wendy Yoder, Director, Department of Financial Services; and Mr. Pagenhardt reviewed the following administrative issues:
 - a) Employee health care benefit cost estimates for Fiscal Year 2006 for all entities in the Garrett County Government Plan.
 - b) Consideration of hotel/rental tax percentage. Mr. Pagenhardt had sent a request for opinion on this issue to the Department of Economic Development, Garrett County Chamber of Commerce, and Railey Rental to receive commentary. The Board will take this issue under advisement.
 - c) Update and scheduling of Fiscal Year 2006 Budget review. Department of Financial Services staff and Mr. Pagenhardt will present a balanced/recommended budget to the Board in the upcoming weeks.
 - d) Update on Self-Funded Pension Plan to include employee information meetings.
3. The Board of County Commissioners, Delegate George Edwards, and James Hinebaugh, Director, Department of Economic Development discussed a number of issues related to economic development, industrial park expansion, project prioritization of Appalachian Regional Commissioner Fiscal Year 2006 Budget, and State of Maryland and County Government collaboration matters. Projects discussed for as a priority for upcoming years under the One Maryland Program were the expansion of the Southern Garrett Industrial Park and the Adventure Sports Operations Building, dependent on timing.
4. The Board of County Commissioners reviewed a letter from the State of Maryland State Police Secretary Thomas Hutchins requesting that the Board consider executing an amendment to the Garrett Bureau of Investigation. Parties to this Agreement are the

Maryland State Police, Sheriff Richard Sanders, State's attorney Lisa Thayer Welch, and the Board of County Commissioners. Based on the fact that Sheriff Sanders had met previously with the Board to state his intention to repeal his participation with the Agreement, the Board will not continue to be a party to the Agreement. Mr. Pagenhardt will convey this decision of the Board to Secretary Hutchins.

5. Commissioner Beard read a letter from the Broad Ford Elementary School PTO requesting financial assistance in the amount of \$2,400 to supplement the cost of playground equipment. This matter will be forwarded to the Board of Education initially.
6. Mr. Pagenhardt reviewed a recommended plan of transition of management for the Department of Public Utilities with the Board of County Commissioners. Mr. Pagenhardt had outlined temporary assignments of administrative, engineering, and operational responsibilities to existing staff at a meeting on April 13. During that session staff presented opinions on projects underway and in the planning stages. The Board will take an official advertisement of vacancy under advisement at this time.

ADJOURNMENT

Attest:

By Order of the Board,

R. Lamont Pagenhardt,
County Administrator

Ernest J. Gregg, Chairman
Board of County Commissioners

Date