

BOARD OF GARRETT COUNTY COMMISSIONERS
PUBLIC MEETING
January 22, 2013

IN ATTENDANCE

Chairman Robert G. Gatto
Commissioner Gregan T. Crawford
Commissioner James M. Raley

County Administrator R. Lamont Pagenhardt

PUBLIC SESSION

CALL TO ORDER OF PUBLIC SESSION

PRAYER & PLEDGE OF ALLEGIANCE

1. Additions/deletions to public meeting agenda. Mr. Pagenhardt indicated there were no additions or deletions to the Public Meeting Agenda for January 22, 2013. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved the Public Meeting Agenda for January 22, 2013.
2. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved the Public Meeting Minutes for January 8, 2013 and Executive Session Minutes of January 15, 2013.
3. The Board of County Commissioners provided an update on boards, commissions, and committees dates.
4. The Board of County Commissioners and those in attendance were presented with a status review of the Western Conveyance Water and Wastewater Project by staff with the Department of Public Utilities and Engineering Department.
5. On January 8, 2013 the Board of County Commissioners were presented with a draft Garrett County Hazard Mitigation Plan. At that time the Board determined to keep the public commentary record open until this date. There was no public commentary received. The Board, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, closed the public commentary period and approved the Plan as prepared. The Board and Mr. Pagenhardt executed the signature promulgation page
6. On January 8, 2013, the Board of County Commissioners conducted a **Public Hearing** to take under consideration official action to amend the Deep Creek Watershed Zoning Ordinance with respect to certain provisions relating to the ordinance amendment process. On this date the Board, on a motion by Chairman Gatto, which was seconded by Commissioner Crawford and made unanimous by Commissioner Raley, closed the public commentary period.

Commissioner Crawford entered a motion to approve all Amendments to the Ordinance which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto. There was discussion by the Board prior to the executive action of approval. The vote was unanimous to approve. The Board will execute an official Resolution adopting the Amendment. Documents attached to these public meeting minutes as Exhibit 1.

7. The Board of County Commissioners, on a motion by Commissioner Raley, which was seconded and carried by Chairman Gatto, approved the execution of the Deep Creek Lake Shoreline Stabilization Projects Incentive Program Policy. Commissioner Crawford abstained from the vote and commented that he agreed with the Policy however, he wanted to wait until the Deep Creek Lake Phase II Study is completed to evaluate other environmental areas of Deep Creek Lake. The Policy is attached to this public meeting minutes as Exhibit 1. The solitary intent of the policy adoption is to incentivize shoreline stabilization construction and defer or offset the associated cost for property owners. There was no intent to use the reimbursement funds as an offset or subsidiary for the Maryland Department of the Environment permit fee.

Barbara Beelar, Friends of Deep Creek Lake, provided her opinion on this policy and requested that \$500 be directed to Northern Garrett High School for so that students can obtain, grow and then install shoreline grasses at Deep Creek Lake. The Board, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, approved this appropriation of funds. It was also noted that if Southern Garrett High School enters into a similar program that equal funding will be provided.

8. Staff with the Department of Planning and Land Development presented a status update of the required process the Department's Division of Permits and Inspections will undertake to review and approved the Four Mile Ridge Wind Project Concept and Site Development Plan. Public commentary was presented.
9. Public Commentary.
10. Carol Riley-Alexander, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the Board's meeting and committee schedule for the forthcoming weeks.
11. The Board of County Commissioners, on a motion by Commissioner Gatto, which was seconded and carried by Chairman Raley, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss personnel matters. The same motion ended the Executive Session and moved into administrative session.
12. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for January 15, 2012 is hereby documented on this date, the next open/public meeting of the Board of County Commissioners.

The Board of County Commissioners, on a motion by Commissioner Gatto, which was seconded and carried by Chairman Raley, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss personnel matters. The same motion ended the Executive Session.

There will be public disclosure of the matters discussed on this date.

ADMINISTRATIVE SESSION

1. Mr. Pagenhardt reviewed a number of administrative, personnel, and managerial matters under his authority and jurisdiction with the Board of County Commissioners.
2. Prior to the Call to Order of the Public Meeting, the Board of County Commissioners met with Department of Public Utilities staff to preview the public meeting session on this date related to the Western Conveyance Water and Wastewater Project.

3. The Board of County Commissioners met with Sheriff Robert Corley; Chief Deputy Major Michael Bittinger; Superintendent Schools Janet Wilson; William Swift, Director of Facilities and Maintenance with the Board of Education; and Nathaniel Watkins, Chief Informational Officer, Department of Technology and Communications (DotCom) to discuss public school safety issues. Discussion included the placement of school resources officers. The Board determined to continue to take this matter under advisement.
4. The Board of County Commissioners, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, appointed Richard Carlson to the Garrett County Emergency Services Advisory Board to serve as the Chief's Committee representative. An official letter outlining the terms of this appointment will be sent to Mr. Carlson under the signature of Chairman Gatto.
5. The Board of County Commissioners discussed issues related to the Garrett County Marcellus Shale Natural Gas Advisory Committee. At the request of the Board, a survey was completed by members of the Committee listing the following options and survey results:
 - Option 1. Continue meeting on a frequent basis. If you select this option, please indicate areas of interest the committee should explore. 38%
 - Option 2. Discontinue meetings until such time as the Governor's Advisory Committee makes its final recommendation, the State completes the necessary studies contained in the Governor's Executive Order, and/or proposed regulations regarding permitting of wells utilizing hydro-fracking of horizontal laterals constructed into the shale formation are on the table. 62%
 - Option 3. Consider our work to be complete and disband the Commissioner's Advisory Committee. 0%
6. The Board of County Commissioners reviewed a request from Garrett Trails to apply for grant funding that would improve the Fork Run Recreational Area mountain biking opportunities. Specifics of the grant description are on file. The Board concurred with this request and Mr. Pagenhardt will inform Garrett Trails to proceed with the funding application.

Attest:

By Order of the Board,

R. Lamont Pagenhardt,
County Administrator

Robert G. Gatto, Chairman
Board of County Commissioners

Date

THE BOARD OF GARRETT COUNTY COMMISSIONERS
203 South Fourth Street - Courthouse - Room 207 Oakland, Maryland 21550
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Board of Commissioners
Gregan T. Crawford
Robert G. Gatto
James M. Raley

County Administrator
R. Lamont Pagenhardt

County Attorney
Gorman E. Getty III

RESOLUTION 2013 – 1

WHEREAS, The Land Use Article of the Code of Public General Laws of Maryland empowers the County to prepare, enact, amend and provide for the administration and enforcement of a Zoning Ordinance within its territorial limits; and

WHEREAS, The Garrett County Planning Commission, acting with the advice and assistance of the citizens of the County has caused to be prepared a “Deep Creek Watershed Zoning Ordinance” which the Board of County Commissioners formally adopted and became effective on June 1, 1997; and

WHEREAS, Said Zoning Ordinance may be amended from time to time to ensure that the intended standards are relevant to the changing physical and economic environment of Garrett County; and

WHEREAS, The Board of Garrett County Commissioners acting with the advice and assistance of the Planning Commission and citizens of the County has considered certain amendments to the Deep Creek Watershed Zoning Ordinance as proposed by the Planning Commission; and

WHEREAS, Said Ordinance amendments have been subject to public review and to public hearings pursuant to the Land Use Article.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners of Garrett County does hereby enact the following text amendments to the Deep Creek Watershed Zoning Ordinance duly adopted by a unanimous vote of the Board of County Commissioners of Garrett County, Maryland this 22nd day of January, 2013.

BE IT FURTHER RESOLVED that the Garrett County Planning Office shall cause said amendments to be certified to the Clerk of the Circuit Court of Garrett County.

DULY ADOPTED BY A UNANIMOUS VOTE OF THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY MARYLAND THIS 22ND DAY OF JANUARY, 2013.

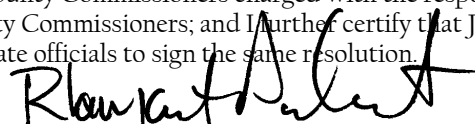
THE BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND


Robert G. Gatto, Chairman


Gregan T. Crawford, Commissioner


James M. Raley, Chairman

I certify that the foregoing resolution was duly passed and adopted by the Board of County Commissioners at a regular meeting held January 22, 2013; I further certify this reproduction is an accurate facsimile of said resolution; and I further certify I am the County Administrator for the said County Commissioners charged with the responsibility of keeping and recording all minutes, records and acts of the said County Commissioners; and I further certify that James M. Raley, Gregan T. Crawford and Robert G. Gatto to be the appropriate officials to sign the same resolution.


R. Lamont Pagenhardt,
County Administrator

DEEP CREEK WATERSHED ZONING AMENDMENTS

Adopted January 22, 2013

- 1) Amend Section 157.189 by replacing the existing Section with the following new Text:

§ 157.189 FACTORS TO BE CONSIDERED BY COUNTY COMMISSIONERS.

- A. Zoning regulations, restrictions, and boundaries may periodically be amended or repealed.
- B. Where the purpose and effect of the proposed amendment is to change a zoning classification, the County Commissioners shall make findings of fact that address the following matters:
 - (1) The report and recommendations of the Planning Commission;
 - (2) Population change in the area to be affected by the proposed change;
 - (3) Availability of public facilities such as police and fire protection, and water and sewerage to serve the area;
 - (4) Present and future transportation patterns in the area;
 - (5) Compatibility with existing and proposed development of the area;
 - (6) The relationship of the proposed change to the adopted Comprehensive Plan for the County; and
 - (7) Whether there has been a convincing demonstration that the proposed rezoning would be appropriated and logical for the subject property.

- 2) Amend Section 157.190.A by replacing the existing Section with the following new Text:

§ 157.190 ACTION BY THE COUNTY COMMISSIONERS ON AMENDMENT.

- A. The County Commissioners may enact any proposed text amendment, modification or repeal by a majority vote of the Board. The County Commissioners may grant an amendment to change a zoning classification based upon a finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification. A complete record of the hearing and the votes of all members of the Board shall be kept.