

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**DECEMBER 3, 2002**

**IN ATTENDANCE**

Chairman Ernest J. Gregg  
Commissioner Wendell R. Beitzel  
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 were no additions or deletions to the agenda for December 3, 2002.
2. Minutes of the Public Meeting of December 3, 2002 were read and approved on a motion by Commissioner Holliday, which was seconded by Chairman Gregg, and made unanimous by Commissioner Beitzel.
3. The Board of County Commissioners conducted the 2003 Maryland General Assembly Legislative Session with Delegate George Edwards and Senator John Hafer. This annual session is scheduled to allow the Board to present issues to the delegation that will require legislative review and approval by the General Assembly in the upcoming Session. The following issues were presented and discussed:
  - Enabling legislation to allow the Board of County Commissioners to increase the maximum weight of all vehicles of County roads to 80,000 pounds. This would be consistent with the weight limits for State highways.
  - Enabling legislation to allow the Board of County Commissioners to issue parking citations on County leased or owned parking lots. Parking near and adjacent to the Garrett County Court House and other County facilities is limited and the enforcement of restricted parking is needed.
  - Enabling legislation to allow the Board of County Commissioners to distribute highway user revenues per statutory requirements. This is necessary for the County to provide the State Highway Administration with a listing of motor vehicle registrations for each incorporated municipality. The basis for this information should be the current motor vehicle registration listing, which indicates a total

county registration that was forwarded to the County by the Motor Vehicle Administration. For ease and accuracy in determining the correct listing of motor vehicle registrations for each incorporated municipality, the Motor Vehicle Administration should include on the motor vehicle registration listing the vehicle owner's correct and current 911 address and the name of the town, city or corresponding town or city code for the town or city in which the vehicle owner resides.

- There are a number of sections within the Code of Garrett County that need correction. For example, prior changes to the Code eliminated the elected position of Treasurer and replaced it with Supervisor of Tax Collection. There are still sections that were not amended to change the title of Treasurer and replace it with Supervisor of Tax Collection. Also the Garrett County Junkyard Ordinance adopted by the Board of Garrett County Commissioners in 1988 needs to be referenced in the Code. The Board of County Commissioners is requesting enabling legislation to make these and a number of other changes to the Code.
- Add language to Section 8-101 of the Annotated Code of Maryland Tax-Property Article to amend or add that wind generating or wind powered farms are not exempt from personal property tax. This amendment should be added to Class C, subclass 4,5 and 6. The Board of County Commissioners is requesting that Legislative Services make a determination as to what specific language and applicable section this should be made.
- Enabling legislation to allow the Board of County Commissioners to procure goods and services by “piggybacking” contracts of other local governments, boards of education, or municipalities that are not already part of a cooperative purchasing agreement in which Garrett County is a member.
- Enabling legislation to allow the Board of County Commissioners to dispose of surplus property by “trade-in”. The “trade-in” would be included as a part of a purchase of new or used equipment.
- Enabling legislation to allow the Board of County Commissioners the ability to entertain reasonable offers for real property after said real property has been publicly offered through a sealed bid procedure that resulted in no bids received for the real property. The legislative authority should also read that the Board of County Commissioners may contract with a real estate agent to sell County real property.
- Animal Control -Add Garrett County to Article 24, Title 11, Subtitle 5. Regulation of Animals, Subsection 11-504 (0) (1) – second sentence after Dorchester County. And in (2) after Dorchester County. This would allow the County Commissioners to set civil and/or criminal penalties by resolution and outline the citation procedure,

disposition of fines collected. Also, delete Garrett County from Article 24, Title 11, Subtitle 5, Subsection 11-509. Penalty and Prosecutions. This section limits the fines to a minimum of \$5 and maximum of \$25.

- The Board of County Commissioners, during the 2002 Legislative Session, had requested and was awarded funding from the State of Maryland for an Agricultural Exhibit Hall. The Board of County Commissioners was unable to begin the construction of this facility during the past year; however, construction plans are underway at this time. The Board of County Commissioners is again requesting \$500,000 to be applied to this project. The approved appropriation last year was for \$250,000.
4. Brad Frantz, Director of the Department of Emergency Management presented a departmental update to the Board of County Commissioners. Issues and topics of discussion were as follows:
- Year-to-date 911 calls to Emergency Dispatch.
  - Mr. Frantz will be attending a terrorism funding seminar and an American Red Cross disaster reaction session
  - The MEMA planning grant for hazardous mitigation planning was reviewed to include to process to follow to have the County declared a disaster by the State and Federal Governments. A declaration must be preceded by a approve plan to access available/eligible funds.
  - Other issues related to on-going operations
5. The Board of County Commissioners reviewed a recommendation of award by the Procurement Office for bond counsel on for Garrett County Memorial Hospital. The Board decided to direct the Department of Financial Services to seek a legal opinion from the county attorney on any requirement that the borrowing of funds through a local lending institute, which will be secured with the full faith and credit of the County, mandate bond counsel. The bid award was deferred until this review process is completed.
6. Wendell Teets, Superintendent of Garrett County Schools met with the Board of County Commissioners to review the Capital Improvement Program for the Garrett County Board of Education. This session was scheduled due to fact that State of Maryland funding for the program, as previously approved by the Board of County Commissioners and Board of Education, has been put on hold due to the actual and projected State financial deficit. Dr. Teets is planning on testifying before the Interagency Committee on School Construction to appeal for funding and he requested this session to assure that the Board of County Commissioners are committed to all projects in the plan. It was the consensus of the Board of County Commissioners to continue to support the plan as presented with the ongoing condition that local funding is available and approved during each fiscal year budget cycle.

7. Gary Love, Director of the Department of Solid Waste and Recycling presented a departmental update to the Board of County Commissioners. Issues and topics of discussion were as follows:
  - Refuse cell development plans for cell #3 and cell #4. Mr. Love indicated that the surveying and design work would be completed within the next six (6) months.
  - An inquiry from Fred Helbig to Mr. Pagenhardt pertaining to the disposal of commercial waste was discussed. Mr. Love will look at a number of options that can be made available to smaller commercial customers, such as Mr. Helbig, that will avoid disposal at the main refuse cell.
  - A letter addressed to Mr. Pagenhardt from the Maryland Department of the Environment (MDE) on a solicitation of interest in future recycling and collection. The Board reviewed the project particulars and directed Mr. Love to communicate with MDE on the County's intent to participate.
  - The Board reviewed the possible sale of timber at the Landfill on an area to be used for future borrow cover. The Board directed Mr. Love to have the timber appraised with a determination of value to be presented to the Procurement Office for a recommendation of how to proceed.
  - As discussed in prior sessions with the Board and Mr. Pagenhardt, Mr. Love and the Department of Solid Waste and Recycling had failed to complete the required review and update of the solid waste master plan as required by the Environmental Article of the Annotated Code of Maryland. A letter to Mr. Pagenhardt from the State of Maryland Department of the Environment (MDE) had informed the County that this process had not been done. Mr. Pagenhardt had informed MDE that a definitive time schedule would be presented by December 15. It was the direction of the Board to have the Procurement Office solicit request for proposals with the time period of twelve (12) months to be designated for the completion of this project. Mr. Love was directed to make this a priority.
8. The Board of Trustees of the Ruth Enlow Library of Garrett County met with the Board of County Commissioners to review the projected cost and available funding for the construction of the Grantsville Branch. The Board of Trustees informed the Board of County Commissioners that there is presently a \$128,570 projected shortfall. The Board of County Commissioners requested that the Library continue with scaling back on certain aspects of the building and committed to an additional \$25,000 to the project on a motion by Commissioner Beitzel, which was seconded by Chairman Gregg, and made unanimous by Commissioner Holliday. The Board of County Commissioners advised the Board of Trustees to diligently work to making the project proceed with the available funding.
9. The Board of County Commissioners, on a motion by Commissioner Holliday, which was seconded by Commissioner Beitzel, and made unanimous by Chairman Gregg, approved a request from the Ruth Enlow Library of Garrett County to use available

funding approved for the roof replacement at the Oakland Branch for cleanup of the areas affected by this construction work. Projected expenses for this maintenance are \$1,200.

**ADMINISTRATIVE SESSION**

1. The Board of County Commissioners authorized Chairman Gregg and Mr. Pagenhardt to execute a deed of property transfer between the County and Redrock, LLC (Phenix Technology) for property located at the Central Garrett Industrial Park.
2. Mr. Pagenhardt reviewed the current County policy on leave during emergency conditions (Section 6.6.3 of the Garrett County Government Polices and Procedures) with the Board of County Commissioners. This policy covers liberal and administrative leave provisions.
3. The remainder of the day was spent in administrative session.

**ADJOURNMENT**

**Attest:**

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**By Order of the Board,**

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R. Lamont Pagenhardt,  
County Administrator

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Ernest J. Gregg, Chairman  
Board of County Commissioners

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Date

