

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**April 17, 2012**

**IN ATTENDANCE**

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

*County Administrator R. Lamont Pagenhardt*

**ADMINISTRATIVE SESSION**

1. Mr. Pagenhardt reviewed informational, administrative and pending issues with the Board of County Commissioners.
2. The Board of County Commissioners and Mr. Pagenhardt met with Wendy Yoder, Director, Department of Financial Services and Scott Weeks, Assistant Director, Department of Financial Services, to discuss the following matters:
  - a) A review of the Draft Agreement for Adventure Sports Center International (ASCI) – Garrett College and the Board of County Commissioners.
  - b) The Board approved to proceed with the redemption of the \$6.4 million Maryland Environmental Service Revenue Bond Series 1993 for the Garrett County Landfill. The Board, on a motion by Commissioner Gatto, which was seconded by Commissioner Crawford, and made unanimous by Chairman Raley, approved this redemption.
  - c) Update on Adventure Sports Center International (ASCI)/Deep Creek Development (DCD) Definitive Agreement.
  - d) The Board agreed to an abatement of Garrett County real property taxes for ASCI pursuant to the provisions of Section 9-313 of the Tax-Property Article of the Annotated Code of Maryland and the County's subsequent Resolution detailing the requirements and procedures to be followed for the Tax Year 2012. The Board, on a motion by Commissioner Crawford, which was seconded by Chairman Raley, and made unanimous by Commissioner Gatto, approved this abatement. This abatement/waiver has been approved/granted to ASCI in all prior fiscal tax years since the ASCI was started as a 501 (3)(c) nonprofit qualified entity.
  - e) A Fiscal Year 2013 Budget review timeline and related issues. Based on financial budgetary projections the Board agreed to schedule the required Constant Yield Public Hearing Notice.
  - f) Update of status of the Visitor's Information Center on Interstate 68
  - g) Request for Equivalent Residential Unit (ERU) transfer – Deep Creek Development (DCD). The Board agreed to the transfer of (1) ERU from Map 49 Parcel 131 to Map 49 Parcel 11.
  - h) Request for funding – Southern Garrett High School After Prom. The Board agreed to an appropriation from the special promotions account of \$50.
  - i) The Board discussed attending the Garrett Chamber of Commerce Board of Directors Retreat on April 19, 2011 at which the time the Chamber has requested discussion on the appropriation of hotel rental tax revenue.

- j) The Board reviewed funding issues relative to the County Airport that was previously presented on April 10, 2012. The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, agreed to Fiscal Year 2013 funding for Phase I study, design, and planning for the removal of material to improve and maintain safe operations and provide the ability to lease land for corporate hangars and access to the McHenry Business and Technology Park. Estimates of Phase I will be \$250,000 of which \$225,000 (90%) will be Federal Aviation Administration funds, \$12,500 (5%) from Maryland Aviation Administration, and \$12,500 (5%) from the County. Phase II and Phase III are planned for Fiscal Years 2014 and 2015 so the commitment of funds on this date is approved to proceed with all planned phases.
  - k) Other
3. The Board of County Commissioners met with Ms. Yoder, Mr. Weeks, and James Hinebaugh, Director, Department of Economic Development to discuss the following matters:
    - a) Discussion on the designation of hotel rental tax revenue for Fiscal Year 2013.
    - b) Discussion on approved Garrett County Branding Study in cooperation with the Garrett County Chamber of Commerce. The Department of Economic Development will be the lead office for the project.
    - c) Additional discussion on the ASCI/DCD Definitive Agreement.
    - d) Other
  4. The Board of County Commissioners met with Mr. Hinebaugh and Frank Shap, Assistant Director, Department of Economic Development on the following matters:
    - a) The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss economic development matters. The same motion ended the Executive Session.
    - b) Update on broadband strategy and expansion.
    - c) Other issues to include State of Maryland Department of Business and Economic Development staff visit to the County April 18 and 19.
  5. The Board of County Commissioners met with John Nelson, Director, Department of Planning and Land Development to discuss follow-up matters relative to the 3 public work sessions conducted on the Draft Land Use Management Ordinance. At the request of Chairman Raley, Mr. Nelson researched and presented other jurisdiction land use ordinance provisions specifically on setbacks, decommissioning, and other procedures for wind energy towers.

The Board will schedule a session on the May 1, 2012 Public Meeting Agenda to receive public commentary on the Draft Ordinance discussed during prior administrative work sessions and to schedule a plan for public review/commentary prior to developing a final draft for consideration of approval.

6. Other administrative matters.

## 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 April 17, 2012.
2. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, approved the Public Meeting Minutes for March 19, 2012, Executive Session Minutes of March 26, 2012, Public Meeting Minutes of March 27, 2012 and Administrative Session of April 2, 5, and 10, 2012.
3. The Board of County Commissioners executed a Proclamation pronouncing May 3, 2012 as "A Day of Prayer in Garrett County".
4. The Board of County Commissioner executed a Proclamation pronouncing April 17, 2012 as "Equal Pay Day 2012".
5. The Board of County Commissioners presented a briefing on the various board, committee, and commission meetings they have attended and are involved with.
6. Mr. Hinebaugh briefed the Board of County Commissioners on the following departmental matters:
  - a) Notification that because of the successful business growth in Garrett County, The Maryland Department of Business and Economic Development has notified Garrett County that the County has graduated from the State's One Maryland Program. One Maryland was instituted to assist Maryland's economically distressed jurisdictions to develop a stronger business and economic base. Under the Program, distressed jurisdictions are defined as having a 2-year unemployment average greater than 150% of the State wide rate, and an average per capita income of less than 66% of the 2-year State average. To qualify for the incentives, eligible businesses have to create a minimum of 25 new jobs, make a capital investment of at least \$500,000, and be located in a State approved priority funding area (PFA). Several County based businesses used the Program to help facilitate and finance business expansions over a 10-year period. The expansions resulted in the creation of over 300 new jobs, and capital investments of over \$30,000,000.

Graduation from the Program effective April 1, 2012, means that Garrett County businesses are no longer eligible for tax credits and other incentives provided for in the Program. The County technically met the graduation criteria for the Program effective April 1, 2011, but was grandfathered for an additional year based on efforts undertaken by the County's legislative delegation
  - b) The State Department of Business and Economic Development will have a senior staff representative in Garrett County this week.

- c) Presentation on how the Department of Economic Development implements a plan of action for a prospective business opportunity. A sample package was distributed to the Board, Mr. Pagenhardt, and also shared with those in attendance.
  - d) Announcement that the Board has scheduled a broadband connectivity update for the May 1, 2012 Public Meeting.
  - e) Other departmental matters.
7. The Purchasing Department presented the following recommendations of bid award to the Board of County Commissioners:
- a) Hauling of Refuse and/or Recycled Materials – contract renewal (bid #08-0605H). The Board, on a motion by Commissioner Gatto, which was seconded Chairman Raley, and made unanimous by Commissioner Crawford approved a contract extension to Sunrise Sanitation for an estimated cost of \$135,457.92. Specific conditions and final bid specifications are on file with the Purchasing Department.
  - b) Digital Cellular Telephone Services – Garrett County Government – contract renewal (RFP #08-0429C). The Board, on a motion by Commissioner Crawford, which was seconded Commissioner Gatto, and made unanimous by Chairman Raley, approved a contract extension to US Cellular for an estimated monthly cost of \$2,804.00 per month.
  - c) Engineering Services – Maple Street Sewer Line Extension (RFP #12-0221). On March 21, 2012 due to a necessity to proceed with a contract award the Board, on a motion by Chairman Raley, which was seconded and carried by Commissioner Gatto, approved a bid award to Keller Engineers, Inc. for a total cost of 4 phases of \$24,700.00. The approval is reflected in these public meeting minutes.
8. Mr. Pagenhardt and Wendy Yoder, Director, Department of Financial Services presented a briefing on Fiscal Year 2013 Budget to the Board of County Commissioners. This presentation included historical financial information on prior year approved budgets and projections for forthcoming years which is attached as Exhibit 1 to these Public Meeting Minutes. The Board individually expressed their opinion and thoughts on the financial projection for subsequent fiscal years.
9. Paula Shortridge with Caring Hearts Adult Day Services presented a briefing and goal to open an adult day care center. Diakon Adult Day Services at Mountain Glade recently closed and Ms. Shortridge explained her desire to establish such a facility. Grant funds have been secured to begin program development but additional funds will be required to enable the services to be provided.
10. County Engineer Dwight Emory presented a departmental update of projects with the Engineering Department. These included:
- a) Department was created in July of 2011 and has worked on a number of County Government projects to include Landfill Cell 4 Project, North Hill Bridge Project, Chet Kelly Bridge Replacement, Department of Public Utilities projects, short span bridge on Jasper Riley Road, Exhibit Hall paving and entrance improvements, GTTC project inspection and final review, Wisp/Visitors Center Trail oversight, County bridge inspection program is underway, and other projects planned and underway.
  - b) There has been cooperation between various County Government Departments.

- c) Staff have been consolidated with the exception of 1 engineer with the Department of Public Utilities who is in transition of this move over the next several months.
  - d) Other matters.
11. The Board of County Commissioners presented an update on 2012 Legislative matters with the State of Maryland General Assembly.
12. Public Commentary.
- a) Sherry Ashby, Elizabeth Hebden, Diane (did not provide her last name), and Kara Paugh expressed their opinion on the funding for the Garrett County Public School System.
  - b) Penny Savage voiced her opinion on her termination from Southern Garrett Rescue Association. She asked who the governing body is for the Association. Bradley Frantz, Director, Office of Public Safety and Emergency Services was asked to attend and he addressed questions specific to these concerns.
13. David Keffer met with the Board of County Commissioners to express his opinion on the Thayerville Water Project and specifically his opposition to connection to the system for his residence on Glendale Road in the Silver Ridge Community. Mr. Keffer requested that the Thayerville Water Project end at the Route 219/Glendale Road. The Board will take this matter under advisement. (Mr. Keffer was provided with information through an email public information request at this time.)
14. Carol Riley-Alexander, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the meeting and committee schedule for the forthcoming weeks.
15. The Board of County Commissioners recognized Clifford Moon and Randy DeWitt for their life saving efforts in assisting with the transport of a fellow County Roads Department employee who required medical attention and subsequent hospitalization. Management with the Roads Department expressed their appreciation to Mr. Moon and Mr. DeWitt. Mr. DeWitt spoke to his training provided by the County that allowed himself to respond and thank the Board and Mr. Pagenhardt.
16. The Board of County Commissioners conducted a **Public Hearing** to receive public commentary on an application by Linda F. White to establish an Agricultural Land Preservation District. Specifics of the application are on file with the Department of Planning and Land Development. The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Gatto, and made unanimous by Chairman Raley, closed the *Public Hearing* and approved the application. Chairman Raley and Mr. Pagenhardt executed the District Agreement on behalf of the Board of County Commissioners.
17. The Board of County Commissioners approved the transfer of ownership of the former Bloomington Elementary School to the Bloomington Volunteer Fire Department. The Department had submitted a request to take possession of ownership. Chief Tristan McCrobie was in attendance for this session. An official Agreement of Transfer from the Board to the Department will be executed outlining specific terms and conditions.
18. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for March 26, 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 by Commissioner Crawford, and made unanimous by Chairman Raley, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss economic development, financial, and personnel matters pertaining to Adventure Sports Center International (ASCI). The same motion ended the Executive Session.

**Attest:**

**By Order of the Board,**

\_\_\_\_\_  
R. Lamont Pagenhardt,  
County Administrator

\_\_\_\_\_  
James M. Raley, Chairman  
Board of County Commissioners

\_\_\_\_\_  
Date