

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**January 8, 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 8, 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 8, 2013.
2. The Board of County Commissioners, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, approved the Public Meeting Minutes for December 18, 2012 and Executive Session Minutes of December 24, 2012.
3. The Board of County Commissioners provided an update on boards, commissions, and committees dates.
4. The Board of County Commissioners introduced Michael Koch as Director of the Garrett County Department of Economic Development. Chairman Gatto reviewed the interview and appointment process and welcomed Mr. Koch to County Government. Mr. Koch will officially begin his position on January 14, 2013. Mr. Koch presented his talking points to the Board and the public which are attached to these public meeting minutes as Exhibit 1.
5. Richard DeWitt, Director, Garrett County Department of Social Services updated the Board of County Commissioners on the following matters:
  - a) Agency response to Hurricane Sandy and provision of public services during the days of the storm.
  - b) Notification on establishing a local Social Security office
  - c) Other departmental matters.
6. 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.
7. Jon Wynn representing Western Maryland Consortium briefed the Board of County Commissioners on the following matters:

- a) Update on Calendar 2012 job placement and job training completion.
  - b) Update on program and training provided to clients and participants.
  - c) Notice of the availability of training funds for forthcoming fiscal years.
  - d) Other agency matters.
8. David Baker, Manager, Department of Solid Waste and Recycling briefed the Board of County Commissioners on the following matters:
- a) Update of capital improvement projects to include expansion of the King's Run Site and the Cell 4 Project.
  - b) Preparation and work on the Solid Waste Management 10 Year Plan is commencing.
  - c) Refuse sticker sales and other revenue generation.
  - d) Brush and continuation of permit for burning of debris from Hurricane Sandy.
  - e) Update on required amendments to the current Solid Waste Management 10 Year Plan.
  - f) Review of trends in solid waste and recycling which will allow for more proficient planning for future years.
  - g) Other departmental matters.

Commissioner Raley requested that the Board and the Department consider another waiver of tipping fees for a spring cleanup of debris from Hurricane Sandy. Mr. Baker will monitor disposal of during the remainder of the winter months.

9. The Board of County Commissioners conducted a **Public Hearing** to receive public commentary on community development and housing needs, and to offer citizens the opportunity to hear and review plans for an application for the restricted use of job creation the Board proposes to submit to the Maryland Department of Housing and Community Development for funding through the Community Development Block Grant (CDBG) Program. The project proposed for submission to the CDBG Program is the Keyser's Ridge Business Park New Construction and Job Creation.

The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, closed the **Public Hearing** and executed a Resolution and Statement of Assurances and Certifications required for this process. These documents are attached as Exhibit 2 of these public meeting minutes.

10. Commissioner Raley provided an update on his attendance and participation at the Governor's Marcellus Shale Safe Drilling Initiative Advisory Commission conducted on January 7, 2013.
11. Bradley Frantz, Department of Emergency Services Coordinator and Virginia Smith, Emergency Services Planner reviewed the Garrett County Hazard Mitigation Plan with the Board of County Commissioners. A summary of the Plan along with a letter from FEMA is attached to the public meeting minutes as Exhibit 3.

The Plan is also on the County's main website at [www.garrettcounty.org](http://www.garrettcounty.org). The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, determined to keep the public commentary record open for a period of 2 weeks. A final review and approval of the Plan will be scheduled for the January 22, 2013 Public Meeting.

12. Jennifer Bentlejewski, Area Extension Director for Western Maryland, University of Maryland Extension briefed the Board of County Commissioners with a power point presentation that showed agriculture and natural resource programs components, special interest programs, and other related activities.
13. The Board of County Commissioners conducted a **Public Hearing** to receive public commentary During their regular meeting on December 5, 2012, members of the Garrett County Planning Commission discussed the need to amend the Deep Creek Watershed Zoning Ordinance with respect to certain provisions relating to the ordinance amendment process. John Nelson, Director, Department of Planning and Land Development presented the following summary to the Board and those in attendance.

*The Planning Commission believes a discrepancy exists between the zoning ordinance and the provisions outlined in Title 4 of the Land Use Article (formerly Article 66B). Specifically, the Planning Commission found that a conflict exists between the provisions outlined in Sections 157.189 and 157.190 of the zoning ordinance and the authority granted under subsection 4-204 of the Land Use Article (formerly subsection 4.05 of Article 66B). Under the current provisions of Sections 157.189 and 157.190 of the Deep Creek Watershed Zoning Ordinance, the Board of County Commissioners is compelled to make a findings of fact with respect to certain planning matters before enacting any amendment, modification, repeal or reclassification. However, subsection 4-204 of the Land Use Article specifies that a findings of fact on certain planning matters is required only when a proposed change in a zoning classification is contemplated. This conflict between the ordinance and State statute was discovered during the current litigation involving the zoning text amendment for the boat rental service business approved earlier this year. The Planning Commission has concluded that the discrepancy should be rectified. Therefore the Garrett County Planning Commission recommended that Section 157.189 and Section 157.190.A be amended as follows:*

*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 the zoning classification, the County Commissioners shall make findings of fact that include 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.*

Public commentary was provided and taken under advisement.

The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, closed the **Public Hearing**. Additional questions were presented to the Board and therefore the Board, on a motion by Commissioner Crawford, which was seconded by Chairman Gatto, and made unanimous by Commissioner Raley, re-opened the public meeting and additional discussion commenced.

The Board, on a motion by Commissioner Raley, which was seconded by Chairman Gatto, and made unanimous by Commissioner Crawford, agreed to keep the public record for this public hearing open for a period of 2 weeks with a final decision to be made on January 22, 2013.

11. Public Commentary.

12. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for December 24, 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 Chairman Gatto, which was seconded by Commissioner Crawford and made unanimous by Commissioner Raley, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to meet with the Director of the Department of Economic Development Interview Committee. The same motion ended the Executive Session.

On this date the Committee presented a unanimous recommendation of appointment for Michael Koch. The Board was presented with justification for this recommendation from Committee members and Mr. Pagenhardt asked that the Board ratify the appointment recommendation.

The Board, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved the appointment. Mr. Pagenhardt will convey this determination to Mr. Koch. An official employment agreement between the County and Mr. Koch will be completed and executed by both parties.

**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. The Board of County Commissioners reviewed a request from the Department of Social Services relative to the Social Security Administration establishing an office in Garrett County. In attendance for this session was Richard DeWitt; Robin Summerfield, Field Representative for the Office of Senator Benjamin Cardin; and Mary Ellen Nasif, Independent Living Advocate. It was determined by all parties to draft a letter for a consolidation of agency signatures to ask for approval of this subject.
3. The Board of County Commissioners met with the following persons to discuss gypsy moth suppression issues.
  - a) Robert Tatman, Maryland Department of Agriculture
  - b) Jennifer Bentlejewski, University of Maryland Extension (UME)
  - c) Willie Lantz, University of Maryland Extension
  - d) Members of the Garrett County Forestry Board

A report reflecting the 2013 estimated suppression cost for Garrett County was reviewed with the Board and is included as Exhibit 4 to these public meeting minutes. In addition, Dr. Bentlejewski stated that the cost of support staff for the administration of the program is not covered by UME. The Board will take the funding of this proposal under advisement.

4. The Board of County Commissioners discussed issues related to the administrative session review with Garrett Lakes Arts Festival conducted on December 18, 2012 whereby the issue of a proposal for Garrett County's Kick Off to Summer Concert, tentatively to be scheduled for June 8, 2013.
5. The Board of County Commissioners discussed issues relative to the Garrett County Marcellus Shale Natural Gas Advisory Committee. John Nelson, Director, Department of Planning and Land Development was in attendance for this session.
6. The Board of County Commissioners discussed the issue that was presented during administrative session on December 18, 2012 relative to the creation and appointment of a Deep Creek Lake Task Force to include long term planning options. Mr. Nelson was in attendance for this session.

**Attest:**

**By Order of the Board,**

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

\_\_\_\_\_  
Robert G. Gatto, Chairman  
Board of County Commissioners

\_\_\_\_\_  
Date

## EXHIBIT 1

Mike Koch  
Director, Garrett County Economic Development

Talking Points, Public Introduction  
January 8, 2013

- I am very pleased and honored to be joining the Economic Development team.
- I enter the position with a considerable amount of energy and momentum thanks to the terrific work of out-going Director Jim Hinebaugh, my new team, and the talented and committed leaders who serve on the board of the Garrett County Development Corporation.
- I will dedicate my talents, energies, creativity, as well as my business and personal networks to these ends: grow the size, health, and diversity of the Garrett County economy.
- I and my team will have a three-fold focus:
  - First, we will work to grow county business and businesses. We'll work with our partners at the Chamber of Commerce to grow existing businesses. And, we'll work to attract new businesses to the county.
  - Second, we'll continue the work of developing new and enhanced county infrastructure to add value to tourists and residents alike.
  - And third, we'll work to increase county tourism – to ensure that Garrett County secures its place as a regionally and nationally renowned destination.
- So that's a summary of the "what" – I'd like to close by adding a few remarks about the "how" – how we'll challenge ourselves to work in the execution of these goals:
  - We'll be accountable to research and strategy -- targeting specific business sectors in markets that are aligned with the county's assets and interests.
  - We'll be as transparent as possible with our community and do everything we can to encourage engagement and collaboration.
  - And, leveraging the work of the on-going county branding study, we'll amplify our efforts through strong branding and positioning to ensure we are differentiating ourselves in an increasingly competitive environment.

Thank you.

**EXHIBIT 2**

**THE BOARD OF GARRETT COUNTY COMMISSIONERS**

203 South Fourth Street - Courthouse - Room 207 Oakland, Maryland 21550

www.garrettcountry.org [countycommissioners@garrettcountry.org](mailto:countycommissioners@garrettcountry.org)

301-334-8970 301-895-3188 FAX 301-334-5000

**Board of Commissioners**

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

**County Administrator**  
R. Lamont Pagenhardt

**County Attorney**  
Gorman E. Getty III

**RESOLUTION**

WHEREAS, the State of Maryland through the Department of Housing and Community Development and Department of Business and Economic Development allows eligible jurisdictions to apply for funding under the Maryland Community Development Block Grant Program; and

WHEREAS, Garrett County is eligible to apply for funds from the Maryland Community Development Block Grant program; and

WHEREAS, the Board of Garrett County Commissioners have held the required public hearing related to the formulation of Garrett County's Block Grant application; and

WHEREAS, this project will assist in the construction of a new 10,000 square foot facility for a business to locate in the Keyser's Ridge Business Park;

NOW THEREFORE, BE IT RESOLVED, that the Board of Garrett County Commissioners authorize the submittal of an application for Community Development Block Grant funds in an amount not to exceed \$625,000 for Keyser's Ridge Business Park New Construction for Job Creation on this 8<sup>th</sup> day of January, 2013.

BE IT FURTHER RESOLVED, that the Chairman of the Board of Garrett County Commissioners is authorized and empowered to execute any and all documents required for the submission of the application.

BY:   
Robert G. Gatto  
Chairman

Attest:  
  
R. Lamont Pagenhardt  
County Administrator

## **STATEMENT OF ASSURANCES AND CERTIFICATIONS**

The applicant hereby assures and certifies that it:

1. has adopted and maintains a written Citizen Participation Plan in accordance with the citizen participation requirements for the Community Development Block Grant (CDBG) Program at the Code of Federal Regulations 24 Part 570.486; and
2. held a public hearing and provided appropriate notice to ensure participation of citizens in the development the project and of this application for CDBG funding; and
3. assures that all reasonable steps have been taken to minimize the displacement of persons as a result of CDBG assisted activities identified in this application; and
4. in the event that our project does trigger displacement of persons, we will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49CFR Part 24 and it has in effect and is following a Residential Anti-Displacement and Relocation Assistance Plan required under Section 104(d) of the Housing and Community Development Act of 1974, 42 U.S.C. § 5304(d), as amended, in connection with any activity assisted with funding under the CDBG Program; and
5. will not attempt to recover any capital costs of public improvements assisted with CDBG funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than with CDBG funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds if the State certifies that it lacks CDBG funds to cover the assessment; and
6. will conduct and administer grant in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations and agrees to take action to affirmatively further fair housing; and
7. has adopted and is enforcing:
  - a) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
  - b) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
8. will certify, to the best of the certifying official's knowledge and belief, that:

- a) no Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
  - b) if any funds other than Federal funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress with this Federal contract, grant, loan or cooperative agreement, it will complete and submit Standard Form- LLL, Disclosure Form to Report lobbying in accordance with its instructions; and
  - c) it will require that the language of paragraphs (a) and (b) of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
9. will adhere to federal and state Code of Conduct standards relative to conflict of interest restrictions and financial disclosure requirements for local elected officials and candidates; and
  10. will prevent fraud, waste and abuse of federal funds and ensure that funds are expended on activities that are reasonable and necessary; and
  11. will comply with the provisions of Title I of the Housing and Community Development Act of 1974, 42 U.S.C. § 5301 et seq., as amended, Title 24 CFR Part 570, and with other applicable State and Federal laws if awarded this grant.

I declare that I am duly authorized to make these certifications on behalf of the applicant and certify that the above actions have or will be taken.

Robert G. Gatto, Chairman, Board  
of Garrett County Commissioners

Typed Name and Title  
Chief Elected Official

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Garrett County Hazard Mitigation Plan Update

### Grant

- Applied and received Hazard Mitigation Planning Grant through the Maryland Emergency Management Agency for Plan Update.

### Why Plan?

- The Hazard Mitigation Plan forms the foundation for Garrett County and its municipality's long-term strategy to reduce disaster losses and break the cycle of disaster damage, reconstruction, and repeated damage.

### Legal Authority

- This planning effort in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288), as amended by the Disaster Mitigation Act of 2000, and 44 CFR Part 201-Hazard Mitigation Planning.
- Furthermore, the 2009 *Hazard Mitigation Assistance Unified Guidance*, produced by the Federal Emergency Management Agency (FEMA), states that mitigation plans are the foundation for effective hazard mitigation. As such, local jurisdictions must have a FEMA-approved local hazard mitigation plan at the time of obligation of grant funds in order to be eligible for grant funding under the unified Hazard Mitigation Assistance (HMA) programs.

### Planning Committee

- Utilized the Local Emergency Planning Committee (LEPC) to aid in the Plan Update process.
- Plan was reviewed by Planning Committee Members

### Plan Adoption

- Plan Update has been reviewed and approved by both MEMA and FEMA. Approved Pending Adoption letter from FEMA attached.
- Plan Update must be presented during public meeting and adopted by Board of County Commissioner's. Proof of adoption will then be submitted to FEMA for final approval.

### Municipal Adoption

- GC Plan Update may be adopted by municipalities. Sample resolutions and copies of the Plan will be sent to all municipalities following County adoption.

U.S. Department of Homeland Security  
FEMA Region III  
One Independence Mall, Sixth Floor  
615 Chestnut Street  
Philadelphia, PA 19106-4404



**FEMA**

Mr. Mark James  
State Hazard Mitigation Officer  
Maryland Emergency Management Agency  
5401 Rue Saint Lo Drive  
Reisterstown, Maryland 21136

NOV 27 2012

Dear Mr. James:

The Federal Emergency Management Agency (FEMA) has completed our review of the Garrett County, Maryland, Hazards Mitigation Plan, based on the standards contained in 44 CFR, Part 201, as authorized by the Disaster Mitigation Act of 2000 (DMA2K). These criteria address the planning process, hazard identification and risk assessment, mitigation strategy and plan maintenance requirements.

The plan received a "satisfactory" rating for all required criteria and is approvable. However prior to formal approval, each participating jurisdiction in the County is required to provide FEMA an adoption resolution.

We commend you for your dedication demonstrated in supporting the DMA2K and the County's commitment to reduce future disaster losses.

If you have questions, please contact Tess Grubb at (215) 931-5528.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Gruber", written over a horizontal line.

Eugene K. Gruber  
Mitigation Division Director

cc: Brad Frantz, , Garrett County Emergency Management Coordinator  
The Honorable Richard Carlson, Mayor, Town of Accident  
The Honorable Donald Dawson, Mayor, Town of Deer Park  
The Honorable Spencer Schlosnagle, Mayor, Town of Friendsville  
The Honorable Paul Edwards, Mayor, Town of Grantsville  
The Honorable Michael Brady, Mayor, Town of Kitzmiller  
The Honorable Carolyn Corley, Mayor, Town of Loch Lynn Heights  
The Honorable Martin Britten, Mayor, Town of Mountain Lake Park  
The Honorable Margaret Jamison, Mayor, Town of Oakland

[www.fema.gov](http://www.fema.gov)

## Garrett County Estimated Gypsy Moth Suppression Costs – 1-7-2013

12,088 acres so far qualifies for gm suppression

4,840 acres is State Land (45%)

7,248 acres is Private Land (55%)

\$368,000 suppression general funds budgeted for FY 2013

\$50/acre cost (includes application cost, personnel, vehicles, meals, etc.)

### Without Federal Funding:

State Land 100% state cost (us) 4,840 ac X \$50/ac =	\$ 242,000
Private Land 50% state cost (us) 7248 ac X \$50/ac = \$362,400/2=	<u>\$ 181,200</u>
Total State Cost	\$ 423,200

### With Federal Funding assuming 50% cost share:

State Land 50% state cost (us) 242,000/2 =	\$212,000
Private Land 25% state cost (us) \$362,400/4=	<u>\$ 90,600</u>
Total State Cost	\$211,600

### County Costs

Without Federal Funding

Private Land \$181,200

With Federal Funding \$90,600

### Federal Funding:

State Land	\$121,000
Private Land	<u>181,200</u>
Total	\$302,200

### TOTAL COST:

\$ 604,400