

BOARD OF GARRETT COUNTY COMMISSIONERS
PUBLIC MEETING
June 3, 2014

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 no additions or deletions to the Public Meeting Agenda for June 3, 2014. The Board of County Commissioners, on a motion by Commissioner Raley, which was seconded by Chairman Gatto, and made unanimous by Commissioner Crawford, approved the Public Meeting Agenda for June 3, 2014.
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 May 20, 2014, Executive Session Minutes of May 20, 2014, and Administrative Session Minutes for May 27, 2014.
3. Added to the Public Meeting Agenda - The Board of County Commissioners provided an update of the boards, committees, and commission meetings they have attended and participated in since the last public meeting.
4. The Board of County Commissioners executed a Proclamation designating June 14, 2014 as "Flag Day".
5. Updates from the following departments were presented to the Board of County Commissioners:
 - a) Department of Community Planning and Development.
 - Planning and Land Management Office. Deborah Carpenter, Assistant Director, presented an update and noted that the Planning Commission will be voting on the Annual Report at the June 4, 2014 meeting; Transportation Priority List for 2015 is under review for the State Highway Administration meeting in October to include different categories with a list of priorities; and Deep Creek Lake Management Plan update and status for completion is planned for the end of June 2014.
 - Economic Development Office. Frank Shap, Assistant Director, presented an update and noted that site work is ongoing at the Northern Garrett Industrial Park for the Beitzel Corporation Building; Strata Safety Solutions facility site at the Keyser's Ridge Business Park is moving forward as planned; Exelon

Corporation and the County are in negotiations for a site purchase at the Keyser's Ridge Business Park; Asset Book office facility construction at the McHenry Business Park continues to progress; regional entrepreneurial dialog continues with The Greater Cumberland Committee; and update of broadband extension project.

- b) Department of Public Works. Director Jay Moyer presented the following briefing:
- Division of Roads. Update of road subsidence on Aarons Run Road to include review of Maryland Bureau of Mines to include cost of road repair to be covered by the Bureau; installation of rumble strips to certain public roads where stop lights/signs have been a safety concern; extension of bike and pedestrian paths on Glendale Road; paving project for completion of Fiscal Year 2014 approved roads; update on contractor compliance with Four Mile Ridge Wind Project during construction period and note that the Department will have an inspector on site until completion; staff met with Everpower on the Sampson Rock repair due to repaving and other road repair due to construction of this wind project; Accident Roads Garage fuel tank replacement; engineering cost estimate for Marsh Hill Road and agreement with Wisp Resort with County plans for the Department to pave this road this summer; Adventure Sports Center International capital improvement project update to be completed for the Deep Creek 2014 World Championships in September; and note that Department crews are working on spring and summer maintenance to include culvert cleaning and replacement.
 - Division of Public Utilities. Update on Western Conveyance Water and Sewer Project and status of negotiations with ease; Thayerville Water Project is completed and within budget; and Water and Sewer Master Plan note that the Plan is at the Maryland Department of the Environment review step.
 - County Airport. VOR Navigation decommissioning and replacement of up-to-date system by Federal Aviation Administration and update on Emergency Operations Center and Maryland Aviation Administration cooperation on shared office areas.
6. The Board of County Commissioners, on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto, approved an Amended Garrett County Animal Control Ordinance. Attached as **Exhibit 1**.
7. The Board of County Commissioners approved and authorized Chairman Gatto and Mr. Pagenhardt to execute the following Resolutions:
- a) Resolution (2014 -8) authorizing the Sale of Real Property consisting of 0.299 acres in the Northern Garrett Industrial Park to Robosson Supply West, LLC; authorizing the purchase of 0.043 acres in the Northern Garrett Industrial Park from Robosson Supply; and authorizing the County to enter into a contract of sale with Robosson Supply. Motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto.
 - b) Resolution (2014-9) authorizing the sale of real property consisting of 39.791 acres in the Northern Garrett Industrial Park to Beitzel Corporation. Motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto.

8. The Board of County Commissioners presented the **Fiscal Year 2015 Operating and Capital Budget** and all applicable tax rates. Official action by the Board was taken as follows:

a) The Real Property Tax (to include tax rate including fire tax, special fire tax levy per \$100, and Landfill Bond Tax)

1. Mountain Lake Park - \$0.9235
2. All other areas - \$0.990

All tax rates approved on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto.

b) Public Utilities Tax (to include tax rate excluding fire tax, special fire tax levy per \$100, and Landfill Bond Tax)

1. Mountain Lake Park - \$2.3088
2. All other areas - \$2.4750

All tax rates approved on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto.

c) The Landfill Bond Ad Valorem Tax - \$0.02

Tax rate approved on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto.

d) Supplemental Levy for Special Taxing Areas – The Ad Valorem Tax – Garrett County Sanitary District.

- 1) Bloomington Sanitary District – Water - \$0.14
- 2) Chestnut Ridge Sewer Sanitary District - \$0.23
- 3) Deep Creek Lake Sewer Sanitary District - \$0.08
- 4) Deer Park Sewer Sanitary District - \$0.15
- 5) Deer Park Water Sanitary District - \$0.15
- 6) Friendsville Water Sanitary District - \$0.07
- 7) Friendsville Sewer Sanitary District - \$0.09
- 8) Jennings Sewer Sanitary District - \$0.22
- 9) Keyser's Ridge Water Sanitary District - \$0.50
- 10) McHenry Water Sanitary District - \$0.05
- 11) Meadow Mountain Sewer Sanitary District - \$0.07
- 12) Mountain Lake Park – Loch Lynn Sewer Sanitary District - \$0.04
- 13) Mountain Lake Park – Loch Lynn Water Sanitary District - \$0.05
- 14) Thayerville Water Sanitary District - \$0.24

All tax rates approved on a motion by Commissioner Crawford, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto. Commissioner Raley noted that increases in certain sanitary districts were based on the assessable base of properties within each district.

e) Fiscal Year 2013 Operating and Capital Budget - \$71,835,856

A motion was made by Commissioner Crawford to approve the total Fiscal Year 2015 Operating and Capital Budget of \$71,835,856, which was seconded by Commissioner Raley, and made unanimous by Chairman Gatto.

Each County Commissioner provided commentary on the approved budget. Mr. Pagenhardt and Scott Weeks, Director of the Department of Financial Services also explained the budgetary review and approval process and thanked the Board for their guidance and approval of this budget.

Board of Education President Thomas Carr provided commentary on behalf of the Board of Education and noted that the Board of Education can bridge the shortfall in requested funding with the approval that the Board retains all carryover funds from Fiscal Year 2014 to 2015. Mr. Carr did not indicate the total estimated carryover funds required to balance the budget. Board of Education Director of Finance Larry McKenzie provided his comments on the present and past budgets.

Commissioner Raley voiced his commitment to allow the Board of Education to retain all Fiscal Year 2014 carryover funds for Fiscal Year 2015 with the condition that these funds be dedicated for non-recurring costs. The Board will officially act on this after the 2014 Audit is complete and the actual carryover funds are identified.

9. Staff with the Department of Planning and Community Development – Planning and Land Management Office present Fiscal Year 2015 Program Open Space project requests to the Board of County Commissioners which are included as Exhibit 2 to these minutes. The Board will take these project requests under advisement and a final decision will be forwarded to the State of Maryland Department of Natural Resources by July 1, 2014.
10. The Board of County Commissioners, on a motion by Commissioner Raley, which was seconded by Commissioner Crawford, and made unanimous by Chairman Gatto, appointed Penny Proudfoot to represent the Garrett County Public Schools on the Garrett County Department of Social Services Advisory Board. An official letter of appointment under the signature of Chairman Gatto will be sent to Ms. Proudfoot outlining the terms of appointment.
11. 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.

Attest:

By Order of the Board,

R. Lamont Pagenhardt
County Administrator

Robert G. Gatto, Chairman
Board of County Commissioners

Date

**GARRETT COUNTY ANIMAL CONTROL ORDINANCE
AMENDMENT – SECTION H**

WHEREAS, the General Assembly, by Section 11-504 of Article 24 in The Annotated Code of Public General Laws of Maryland has authorized counties to adopt rules and regulations for the sale of dog and cat licenses, the keeping of records of such licenses and the convenient and effective enforcement of the provisions relating to the same; and

WHEREAS, the regulation and licensing of dogs and cats is appropriate and desirable in Garrett County; and

NOW, THEREFORE, BE IT RESOLVED, THAT THE GARRETT COUNTY BOARD OF COUNTY COMMISSIONERS DO HEREBY ADOPT THE FOLLOWING AMENDMENT:

SECTION H – INVESTIGATION AND ISSUANCE OF CITATION

A. The animal control officer shall have the right to enter upon any premises at all reasonable times for the purpose of discharging the duties imposed upon him by this Ordinance where there is reasonable belief that a violation of this Ordinance has been committed.

B. The animal control officer shall have the right to issue a citation to any owner/custodian found violating any provision of this ordinance.

C. The animal control officer shall be authorized and empowered to enforce and administer this Ordinance by the Board of Garrett County Commissioners as stipulated in Article 56 Section 194 sub-title “B” of the Annotated Code of Maryland shall issue a citation, trial, penalty.

Update Article 24, Section 11 §502.

D. The Animal Control Officer, the County Health Officer, his deputy or any law enforcement officer shall issue a civil citation if there is probable cause to believe that a person is committing or has committed a violation of this Ordinance. In issuing a civil citation, the issuer may accept and rely upon a written affidavit of an individual with personal knowledge of an alleged violation. A copy of the citation shall be retained by the issuer and shall bear a certification attesting to the truth of the matters set forth. The citation shall contain:

1. The name and address of the person charged;
2. The nature of the violation
3. The location and time that the violation occurred;
4. The amount of the fine assessed;
5. The manner, location and time in which the fine may be paid or a notice stating that prepayment of the fine is not permitted; and
6. The person’s right to elect to stand trial for the violation.

The following schedule of fines will be imposed for each violation of this Ordinance:

- First Offense - \$50
- Second Offense - \$100
- All Other Offenses - \$250

A person who receives a citation may elect to stand trial for the offense by filing with the Animal Control Officer a notice of intention to stand trial. The notice shall be given at least five (5) days before the date of payment as set

forth in the citation. On receipt of the notice of intention to stand trial, Animal Control Personnel shall forward to the District Court of Maryland for Garrett County, a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties, or forfeitures collected by the District Court for Animal Control violations shall be remitted to the County Tax Collection Office.

If a person who receives a citation for a violation fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, Animal Control Personnel may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear, and the person may be adjudged liable for an additional fine not to exceed twice the original fine.

Adjudication of a violation under the subsection is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Article 23A, Sec. 3-B, 8 through 15 of the Annotated Code of Maryland. If a person is found by the District Court to have committed a civil violation, he shall be liable for the costs of proceedings in the District Court.

AND BE IT FURTHER ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, That this Act shall take effect on the 3rd day of June 2014.

**BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND**

Robert G. Gatto, Chairman

Gregan T. Crawford, Commissioner

James M. Raley, Commissioner

ATTEST:

R. Lamont Pagenhardt
County Administrator

EXHIBIT 2

<i>Program Open Space Funding Requests for Fiscal Year 2015</i>								
Spponsor	Project Name	Project Name, Project Description	Acquisition Funding Requests	Development Funding Requests	Total	POS Funds w/10% Local Match	Contact	
1	Town of Mt. Lake Park	Farm Credit of the Virginias parcels	Purchase parcels for trail connection	\$ 10,000.00	\$ -		na	Lenora F.
			Town of Mt. Lake Total		\$ 10,000.00			
2	Town of Oakland	Broadford Park lighting	Broadford Park lighting, complete existing lighting project	\$ 25,000.00		\$ 27,777.50	P. Jamison	
			Town of Oakland Total		\$ 25,000.00			
3	Town of Friendsville	Community Park	Lighting upgrade at the community park	\$ 5,000.00		\$ 5,555.50	S. Stenagle	
			Town of Friendsville Total		\$ 5,000.00			
4	Garrett County	McHenry Lions Park	Fences for new dog park	\$ 13,140.00		\$ 14,599.85	C. Nichols	
			McHenry Lions Park Total		\$ 13,140.00			
5	Garrett County	Garrett County Board of Education	Phase 1- conversion of basketball court to tennis court	\$ 49,740.00		\$ 55,266.11	W. Swift	
			Phase 2- new tennis court at SMS	\$ 66,600.00		\$ 61,777.16	W. Swift	
			Garrett County Board of Education Total		\$ 105,340.00			
6	Town of Grantsville	Town Park Improvements	Playground equipment replacement	\$ 31,800.00		\$ 35,332.98	R. Jones	
			Replacement of circulation pumps in fishing pond	\$ 7,500.00		\$ 8,333.25	R. Jones	
			Grantsville Total		\$ 39,300.00			
7	Garrett County	Avilton Community Association	Benches, trash receptacles, horseshoe pits, grills, sakrete and labor	\$ 2,880.00		\$ 3,199.97	T. Galica	
			Outside building 12 by 20 feet	\$ 3,920.00		\$ 4,355.51	T. Galica	
			Surveillance system	\$ 2,700.00		\$ 2,999.97	T. Galica	
			Pavilion speaker system	\$ 3,500.00		\$ 3,888.85	T. Galica	
			Avilton Community Association Total		\$ 13,000.00			
			Total request for 2015		\$ 10,000.00	\$ 210,780.00		
			Total acquisition and development requests for 2015		\$ 210,780.00			
WD 62/14	2015 Program Open Space Funds to be applied to the County's available funds			\$ 118,650.70	per DNR letter dated May 2, 2014			
cc: M. Pagenhardt County Commissioners				Difference \$ 92,129.30				