

BOARD OF GARRETT COUNTY COMMISSIONERS
PUBLIC MEETING
December 5, 2016

IN ATTENDANCE

Chairman Paul C. Edwards
Commissioner James C. Hinebaugh, Jr.
Commissioner S. Larry Tichnell

County Administrator Kevin G. Null

ADMINISTRATIVE SESSION

The Administrative Session was open at 3:10 P.M.

I. Board Appointments:

- Ruth Enlow Library Board of Trustees - Nominated by the Library Board of Trustees-Tina Buckel, for a five (5) year term
- Garrett County Mental Health Advisory Committee (MHAC) - Due to the resignation of the Local General Hospital representative, MHAC has nominated Kathy Whitacre, Clinical Manager, WMHS Behavioral Health Systems to fill the remaining term ending June 30, 2017.
- Garrett County Local Management Board - Reappointment of Linda Green for a three-year term.

The Board of Garrett County Commissioners approved all appointments.

The Administrative Session was closed at 3:25P.M.

CALL TO ORDER OF PUBLIC SESSION at 4:00 PM

PRAYER & PLEDGE OF ALLEGIANCE - Invocation by Pastor Jeff Kroll

PUBLIC SESSION

1. Mr. Null indicated there were no additions and one (1) deletion to the Public Meeting Agenda. The Agenda listed an Executive Session to discuss personnel items. No Executive session was held. The Board of County Commissioners, by mutual consent, approved the Public Meeting Agenda for December 5, 2016.
2. The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, approved the Public Meeting Minutes of November 22, 2016.
3. Garrett County Purchasing Department
Contract Award: Energy Audit – County Buildings-RFP # 16-1101E
Twelve (12) bids were received. The Garrett County Purchasing Department recommended awarding the contract to AEI Consultants to conduct Energy Audit of the following County facilities: Roger Glotfelty Building and Public Service Center at a cost of \$5,125. The project is funded with a \$17,000 grant from Maryland Smart Energy Communities Grant. Since the bids came in under budget, four other County buildings will be added to the energy audit.

Bid Award: Courthouse Heating and Cooling Pump Replacement-Bid # 16-1117P

Four (4) bids were received. The Garrett County Purchasing Department recommended awarding the contract to Casto Technical, Charleston, WV for the replace of heating/cooling pumps at the Courthouse at a cost of \$67,360. Project budgeted at \$75,000.

The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved the recommendations.

4. Garrett County Department of Planning & Land Management – GIS Division. The Board of County Commissioners received a request from the Town of Oakland to rename Penny Lane to Brian F. Thomas Road.
The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, approved a Resolution to change the road name from Penny Lane to Brian F. Thomas Road.
5. Legislative Requests - The Board of County Commissioners and the Garrett County Liquor Control Board presented their 2017 Legislative requests to Senator George Edwards and Delegate Wendell Beitzel. A copy of the request is attached.
6. Public Commentary – There were no comments on this date.
7. The Board of Garrett County Commissioners next scheduled Public Meeting will be Tuesday, December 20, 2016 at 4:00 p.m. at the Garrett College Auditorium.
8. The Board of Garrett County Commissioners will present their Annual County Update on Tuesday, December 20, 2016 at 6:00 p.m. at the Garrett College Auditorium.

ADJOURNMENT - The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, adjourned the Public Meeting at 4:40 P.M.

Attest:

By Order of the Board,

Kevin G. Null,
County Administrator

Paul C. Edwards, Chairman
Board of County Commissioners

2017 LEGISLATIVE ISSUES
BOARD OF GARRETT COUNTY COMMISSIONERS

1. *A request by the Board of County Commissioners that the Maryland General Assembly amend the Transportation Article Section 25 102: To allow ALL-TERRAIN vehicles to travel on certain portions of a highway.*

PROPOSED CHANGES TO TRANSPORTATION ARTICLE - ALL-TERRAIN VEHICLES Section 25-102 (14) (ii)

In Garrett County, permitting a person to cross a highway on a snowmobile or all-terrain vehicle, at a right angle, and designating a certain portion of highway upon which snowmobiles and all-terrain vehicles may travel for the sole purpose of gaining access to snowmobile trails. ~~However, only those highways which divide snowmobile trails and which would otherwise obstruct direct access between snowmobile trails may be so designated by the local authority; and~~ or travelling from one trail, field or area of operation to another, for a distance not to exceed two (2) miles; and the snowmobile or all-terrain vehicle is operated at speeds of twenty-five miles per hour or less.

Section 25-102 (1) Off-the-road motorcycles and all-terrain vehicles

(a) "Off-the-road motorcycle" defined.

- (1) In this section, "off-the road motorcycle" means a motorcycle not otherwise registered under this article.
- (2) "off-the-road motorcycle" includes motorcycles designed for off-the road operation, motorcycles not otherwise eligible for registration under this article, and motorcycles commonly referred to as "dirt bikes".

(b) **All-terrain vehicle defined.**

In this section, "all-terrain vehicle" means mean any motor vehicle, designed for off-highway use and designed to travel on not less than three low-pressure tires, have a seat or saddle designed to be straddled by the operator and handlebars for steering control and intended by the manufacturer to be used by a single operator or by an operator and no more than one passenger or any motor vehicle with four or more low-pressure tires designed for off-highway use having bench or bucket seating for each occupant and a steering wheel for control.

(c) Regulation – Each county and Baltimore City may regulate the operation of off-the-road motorcycles and all-terrain vehicles, require them to be registered, and impose a registration fee for them.

Driver's Licenses Required

No person who does not hold a valid, current motor vehicle driver's or commercial driver's license, issued by this State or another jurisdiction, shall operate a snowmobile or all-terrain vehicle, on any street or highway in this state, on any portion of the right-of-way thereof.

No person who is less than sixteen years of age shall operate a snowmobile or all-terrain vehicle on any land other than private property owned by or leased to the person's parent or guardian, unless accompanied by another person who is eighteen years of age or older, who holds a valid driver's license.

NOTE: Under Section 25-102 (14) (ii) we could say "upon the shoulder of any road, street or highway" instead of "designating a certain portion of highway".

Contact Person(s): Robert E. Corley, Sheriff

⇒ BOARD OF COUNTY COMMISSIONERS ACTION:

2. A request by the Board of County Commissioners that the Maryland General Assembly amend Article - Natural Resources § 5-905 (c) (1) (ii)

Program Open Space-Attainment of Acquisition Goals – Increased Allocation for Local Government

If the Department and the Department of Planning certify that acquisition goals set forth in the current, approved, local land preservation and recreation plan have been met and that such acreage attainment equals or exceeds the minimum recommended acreage goals developed for that jurisdiction under the Maryland Land Preservation and Recreation Plan, a local governing body may use up to 100 percent of its future annual apportionment for development projects ~~for a period of 5 years after attainment~~, provided that up to 20 percent of the funds authorized for use for development projects under this subparagraph may be used for capital renewal.

If a county qualifies for the additional funds for development projects under subparagraph (II) of this paragraph, 25% of the funds may be used only for:

1. land acquisition;
2. repair or renovation of existing recreational facilities or structures; or
3. subject to subparagraph (II) of this paragraph, capital renewal.

BACKGROUND: This section was changed in 2011 to allow for use of 100% of the funds and included the five-year time frame. We request that the section be readopted for another 5-year period, or, preferably, the change made permanent.

Contact Person(s): Kevin G. Null, County Administrator
Deborah A. Carpenter, Director, Department of Planning and Land Development

⇒ BOARD OF COUNTY COMMISSIONERS ACTION:

3. A request by the Board of County Commissioners that the Maryland General Assembly repeal The Public Local Laws of Maryland, Article 12 -Garrett County, §35.05

The Board of County Commissioners of Garrett County shall appropriate and pay to rescue squads in the county a total amount per year of up to \$0.08 per hundred dollars on the assessable real property in Garrett County other than operating real property of a public utility and up to \$0.02 per hundred dollars on the assessable personal property and operating real property of a public utility.

BACKGROUND: In FY 2016 Northern and Southern Rescue Squads each received \$180,000 under this legislation. When the County began providing paid EMS personnel in 2008 the original agreement was to provide one (1) paid EMT/Paramedic from 6:00 a.m.-6:00 p.m. Monday-Friday. The rescue squads were responsible for manning the ambulance at all other times.

Since then the program has evolved to include coverage when the rescue squads are unable to fill a particular shift. The County now provides emergency services coverage seven (7) days a week, twenty-four (24) hours a day in Grantsville and Oakland, seven (7) days a week, twelve (12) hours a day in Friendsville and staffs the Deep Creek Station with three paramedics 24/7. At this time the Bittering Fire Company is the only emergency medical services station that does not have county staff, at their request.

The Emergency Medical Services budget increased from \$640,963 in FY 2016 to \$1,517,854. The \$360,000 would be allocated to the Emergency Medical Services budget.

Contact Person(s): Kevin G. Null, County Administrator

⇒ BOARD OF COUNTY COMMISSIONERS ACTION:

4. **A request by the Board of County Commissioners that the Maryland General Assembly authorize to authorize the Board of County Commissioners of Garrett County, Maryland, and each municipality located within the County (collectively the “Local Governments”), to regulate, by permit, the use of Local Government roads and bridge, by vehicles utilized in the development, construction and production of oil and natural gas by hydraulic fracturing (the “Permitted Vehicles”).**

PROPOSED LEGISLATION: The request for legislation extends to and includes a grant of authority for the Local Governments to designate certain roads for use by Permitted Vehicles and to exercise authority to prohibit use by Permitted Vehicles on certain roads within the jurisdiction. The authorization is requested to allow the Local Governments to regulate the intensity of use by Permitted Vehicles, to protect the integrity of roads and bridges within the jurisdiction, and secure compensation for damage sustained by the roads and bridges and other infrastructure associated with the Permitted Vehicle.

Contact Person(s): Kevin G. Null, County Administrator

⇒ BOARD OF COUNTY COMMISSIONERS ACTION:



Board of License Commissioners
Liquor Control Board of Garrett County

Garrett County Government Administrative Office Building
203 South 4th Street, Room 208
Oakland, Maryland 21550
Phone 301-334-1925
Fax 301-334-5023

E-mail – liquorcontrolboard@garrettcounty.org

Michael J. Fratz
McHenry, Maryland 21541

David L. Moe
Oakland, Maryland 21550

Lisa M. Herman
Friendsville, Maryland 21531

2017 Legislative Requests

- Sunday hours amendment – Sunday sales may begin, were permitted by referendum vote, at 10:00 AM and continue until 12 midnight.
- Sunday Sales Option – housekeeping amendments to repeal the Sunday Sales Option fee of \$250 in the various sections of the previous Article 2B / new Alcoholic Beverages Article as a result of the new 7-day license fees that went into effect on October 1, 2016.
- Sunday requirements for Class D establishments – housekeeping amendments to repeal the subsections that reference the building, seating and commercial kitchen requirements in the various sections of the previous Article 2B / new Alcoholic Beverages Article as a the result of the legislative change that repealed the meal requirement on July 1, 2015.
- Alcoholic Beverages Article – Corrective Bills will be brought to the attention of the Legislative Services Office.

Effective date: July 1, 2017