

BOARD OF GARRETT COUNTY COMMISSIONERS

PUBLIC MEETING

Tuesday, November 22, 2022

Meeting was also Live Streamed at <https://www.facebook.com/garrettcountygovernment/>

IN ATTENDANCE

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

County Administrator Kevin G. Null

ADMINISTRATIVE SESSION

1. **Appointments – Garrett County Licensing & Enforcement Board – Three (3) Year Terms**
The Board of County Commissioners, on a motion by Chairman Edwards, which was seconded by Commissioner Tichnell, and made unanimous by Commissioner Hinebaugh appointed the following individuals:

Reappointed

Andrew Eiswert
Sam Ingram
Barbara Pentz

Appointed

Jeff Gosnell
Dan Duggan

Official letters will be sent to all appointees under the signature of Chairman Edwards outlining the terms of appointment.

2. Mr. Null reviewed a number of administrative, non-privileged personnel, and managerial matters under his authority and jurisdiction with the Board of County Commissioners.

CALL TO ORDER OF PUBLIC SESSION at 4:03 PM

PRAYER & PLEDGE OF ALLEGIANCE – Invocation by Commissioner Tichnell

PUBLIC SESSION

1. Mr. Null indicated there was no addition or deletion to the Public Meeting Agenda. 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 Public Meeting Agenda for November 22, 2022.
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 7, 2022.
3. **RECOGNITION:**
 - ❖ Southern Garrett High School Band – 2022 Tournament of the Bands Champions
 - ❖ Personally Yours Monogramming – 35th Anniversary
4. **ADOPTION:** 2022 Garrett County Comprehensive Plan
This Plan serves as the policy guide and framework for future growth and development, infrastructure and capital improvements, and resource management and conservation. There were no public comments on Hearing.

The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, Adopted the 2022 Garrett County Comprehensive Plan by Resolution 2022-12.

MOTION TO CLOSE PUBLIC MEETING AND OPEN PUBLIC HEARING

On a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, the Public Meeting was closed and the Public Hearing opened at 4:21 p.m.

5. PUBLIC HEARING: Garrett County Agricultural Land Preservation District Applications – 2022

Upon the recommendation from the Garrett County Agricultural Land Advisory Board and the Garrett County Planning Commission, the Board of Garrett County Commissioners conducted a Public Hearing to review the following applicants who requested that their land be established as a Garrett County Agricultural Preservation District.

Applicants:

Redwing LLC – 163.8 Acres – Mitchell Rush Road
Richard Roderick – 147.6 Acres – Bethlehem Road
Doug Bender – 132 Acres – Harmon Road
Phil Margroff – 146.6 Acres – Cove Road
Mike Robeson – 157.58 Acres – Lower New Germany Road
Brian Sisler – 134.04 Acres – White Rock Road
Beverly & Ray Wilt – 134.3 Acres – Smith Road
Brian Benedict – 99.3 Acres – Glade Road

MOTION TO CLOSE PUBLIC HEARING AND OPEN PUBLIC MEETING

On a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, the Public Hearing was closed and the Public Meeting opened at 4:29 p.m.

6. APPROVAL - Garrett County Agricultural Land Preservation District Applications

The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved each request. The Garrett County Department of Community Development & Planning will finalize each application and ensure the recording of the Garrett County Agricultural Land Preservation District Agreement for each individual.

7. 2023 LEGISLATIVE REQUESTS – SENATOR GEORGE EDWARDS AND DELEGATE WENDELL BEITZEL

Garrett County Liquor Control Board presented a list to the Senator and Delegate of its 2023 Legislative Requests (attached).

The Board of County Commissioners presented a list to the Senator and Delegate of its 2023 Legislative Requests (attached).

No public comments were made.

PUBLIC COMMENTARY:

- ❖ The Board of County Commissioners thanked Senator George Edwards and Delegate Wendell Beitzel for their many years of service to the citizens of Garrett County.

ANNOUNCEMENTS:

- ❖ The Board of County Commissioners took a moment to recognize Mary Sincell McEwen who passed away from cancer. Ms. McEwan covered county government in the media for over a dozen years. Her service and reporting were greatly appreciated.
- ❖ The Board of Garrett County Commissioners announced that the next Public Meeting will be held on Wednesday, December 7, 2022, at 4:00 p.m. at the Garrett County Courthouse.

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 4:48 P.M.

Attest:

By Order of the Board,

KEVIN G. NULL
County Administrator

PAUL C. EDWARDS, Chairman
Board of County Commissioners

2023 LEGISLATIVE REQUESTS

BOARD OF GARRETT COUNTY COMMISSIONERS

1. A request by the Board of County Commissioners that the Delegation introduce legislation in Maryland General Assembly to provide the Board with enabling authority to amend provisions of The Public Laws of Garrett County Section 30.03 Board of County Commissioners of Garrett County meetings.

30.03 MEETINGS; AMOUNT OF TIME DESIGNATED FOR OFFICE-RELATED DUTIES.

The Board of County Commissioners will meet in public session weekly. The Board will provide notice of all public meeting dates and times to include notification of any change in schedule or cancellation. The Board will schedule/announce administrative sessions to review matters that may require executive action during forthcoming public sessions or to address personnel, administrative, or other subjects. Each Commissioner will attend appointed commission, board or committee meetings as scheduled or planned.

PROPOSED

*The Board of County Commissioners will meet in public session **weekly-at least twice a month. Public meetings may be in person or video broadcast.** The Board will provide notice of all public meeting dates and times to include notification of any change in schedule or cancellation. The Board will schedule/announce administrative sessions to review matters that may require executive action during forthcoming public sessions or to address personnel, administrative, or other subjects. Each Commissioner will attend appointed commission, board or committee meetings as scheduled or planned.*

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

⇒ **BOARD OF COUNTY COMMISSIONERS ACTION: Approved Legislative Request**

2. A request by the Board of County Commissioners that the Delegation introduce legislation in Maryland General Assembly to provide the Board with enabling authority to amend provisions of Title 14, Subtitle 8, Section 14-813 (e) (2) (1) (v) and (ix) as follows:

Title 14 - Procedure

Subtitle 8 - Collection

Part III - Tax Sales

§ 14-813. Notice by advertising; expense a lien on property

(a) (1) At any time after 30 days from the mailing of the statement and notice, the collector shall cause to be published, 4 times, once a week for 4 successive weeks in 1 or more newspapers that have a general circulation in the county in which the property is located, a notice that the property will, on the date and at the place named in the notice, be sold at public auction.

(2) In Dorchester County, Frederick County, Garrett County, Kent County, and Queen Anne's County, the notice shall be published 3 times, once a week for 3 successive weeks.

(3) (i) In Baltimore City, the notice shall be:

1. published two times, once per week in alternate weeks; and
2. posted on the City's website 4 weeks prior to the sale.

(ii) The required newspaper notice shall include a statement that notice shall be posted on the City's website along with instructions on how the public can access the website.

(b) In Prince George’s County and Wicomico County, the cost of publishing the notice shall be the same as the prevailing rate for publishing other legal notices and advertisements.

(c) In Anne Arundel County, the notice shall be published in 2 newspapers published in the county.

(d) (1) The notice shall contain with substantial accuracy the following:

(i) a description of the property by giving the street number of the improvement and the frontage and depth of the lot, as the property appears on the collector’s tax roll;

(ii) the name of the person who last appears on the collector’s tax roll as the owner of the property;

(iii) the amount of all taxes due and unpaid on the property;

(iv) if the property is unimproved, or has no street number, the notice shall describe the property as it is described on the collector’s tax roll, and no unimproved property, or property having no street number, need be described by metes and bounds. If necessary to describe the property, the collector shall obtain a description and plat of the property from the county or municipal corporation surveyor, for which the sum of \$7.50 shall be added to the total charges due on the property. If it is necessary to procure a description from the county or municipal corporation surveyor, the description shall be kept in the records of the collector’s office and the published notice of sale shall contain a statement to the effect that a detailed description of the property to be sold, as prepared by the county or municipal corporation surveyor, is on file at the collector’s office and may be examined by anyone interested in the description; and

(v) the assessment of the property as determined by last assessment.

(2) Failure of the collector to include any taxes in the published notice of sale does not affect the validity or collectability of the taxes, except as required to be but have not been certified as provided in § 14–810 of this subtitle, or the validity of any sale made hereunder to enforce the payment of taxes, nor prevent nor stay proceedings under this subtitle nor affect the title of any purchaser.

(e) (1) The following expenses relating to the sale shall be allowed, all of which are liens on the property to be sold:

(i) the expense of publication of all notices;

(ii) the cost of the county or municipal corporation surveyor’s description and plat, if necessary;

(iii) except as provided in items (vi) and (vii) of this paragraph, a fee to the attorney representing the county treasurer for services, that does not exceed \$15 for each property; except that in any county that has a paid full-time solicitor, counsel or attorney, the fee shall be collected and paid into the general funds of the county;

(iv) the auctioneer’s fee, as provided in paragraph (2) of this subsection;

(v) in Baltimore County, a fee, that may be established by the County Executive and subject to review by the County Council for legal services, administrative costs, and mailing expenses relating to the sale for each property, not to exceed actual costs, to be collected and paid into the general fund of Baltimore County;

(vi) in Somerset County, Wicomico County and Worcester County a fee to the attorney representing the county treasurer or director of finance, that does not exceed \$35 for each property, to be approved by the county treasurer or director of finance and by the governing body;

(vii) in Baltimore City:

1. a fee of \$30 for each property to the attorney representing the director of finance, that is collected and paid into the General Fund of Baltimore City; and

2. a fee that does not exceed \$10 for the mailing of statements and notices;

(viii) in Montgomery County, instead of the fee allowed under item (iii) of this paragraph, a fee that does not exceed \$30 for each property for legal services relating to the sale, to be collected and paid into the general funds of the county; and

(ix) a reasonable fee that does not exceed \$150 for examinations of title before the mailing of statements and notices.

(2) The auctioneer's fee allowed in paragraph (1) of this subsection shall be:

(i) except in Baltimore City, Caroline County, Carroll County, Cecil County, Dorchester County, Frederick County, Garrett County, Harford County, Howard County, Kent County, Prince George's County, Queen Anne's County, Somerset County, Talbot County, Wicomico County, or Worcester County:

1. for any date when 1, 2, or 3 properties are sold, an amount not to exceed \$10; and

2. for any date when 4 or more properties are sold, \$3 for each property sold;

(ii) in Dorchester County, \$7.50 for each property sold;

(iii) in Kent County, an amount not exceeding \$7.50 for each property sold;

(iv) in Cecil County and Queen Anne's County, \$7.50 for each property sold;

(v) in ~~Garrett County~~, Somerset County, and Wicomico County, \$8 for each property sold;

(vi) in Worcester County, the greater of \$8 for each property sold or \$300, to be allocated pro rata among each property sold;

(vii) in Baltimore City:

1. for any date when 1, 2, or 3 properties are sold, an amount not to exceed \$10;

2. for any date when 4 or more properties are sold, \$3 for each property sold; and

3. in an electronic sale, an amount not to exceed \$10 for each property sold;

(viii) in Carroll County, the amount set by the Carroll County Commissioners;

(ix) in Caroline County, ~~Garrett County~~, Harford County, Howard County, Prince George's County, and Talbot County, \$10 for each property sold; and

(x) in Frederick County, the lowest responsive bid for each property sold.

(f) In Garrett County, instead of complying with (d)(1)(i) through (iv) of this section, the notice shall contain a statement that gives the year or years for which the taxes are due and the amount of the taxes, to whom the

property is assessed, the district where the property is located, the quantity of land offered for sale, the name or number of the tract or lot of land, if the property has a name or number, and is assessed by that name or number and if there is record evidence of the property in Garrett County, a reference to the record liber and folio where the deed or conveyance for the property is recorded, the name of the grantor and the date of the deed or conveyance, or any other description as is sufficient legally to identify the property, but in no case is a description by metes and bounds, courses and distances required. The collector in Garrett County may employ an attorney to examine the title to the land to be advertised or sold for taxes, under this subtitle, to provide the information required for the notice and prepare the notice for publication, for which services a sum that does not exceed \$150 shall be added to the total charges due on the property.

Contact Person(s): Kevin G. Null, County Administrator
Scott Weeks, Director of Financial Services

⇒ **BOARD OF COUNTY COMMISSIONERS ACTION: Approved Legislative Request**

3. A request by the Board of County Commissioners that the Delegation introduce legislation in Maryland General Assembly, on behalf of the Garrett County Liquor Control Board for the following:

CREATE – AB § 21-2202 Expiration of License (*Period for which license may be considered unexpired*)

AMEND – AB § 21-1309 Multiple Day License (*add - **Holding another license allowed.** -- The license holder may hold another license of a different class or nature*)

AMEND – AB § 21-1310 Multiple Event License (*add - **Holding another license allowed.** -- The license holder may hold another license of a different class or nature*)

AMEND – AB § 21-1001.3 (f) Gift Basket Permit (*the alcoholic beverages are to be purchased from a wholesaler or retail license holder*)

AMEND – AB § 21-902 Class B BWL License (***For hotels and motels.** -- has at least ~~25~~ **10** rooms; and*)

AMEND – AB § 21-2006 (c)(3) Sunday Sales (*Sunday sales authorized under this subsection are from ~~10-6 AM~~ to midnight*)

NOTES: Combine all requests as one cross-filed bill called the Garrett County Alcoholic Beverages Act of

2023 Request legislation to be effective July 1, 2023.

Contact Person: Debbe Owston, Liquor Board Administrator

⇒ **BOARD OF COUNTY COMMISSIONERS ACTION: Approved Legislative Request**