

July 14, 2016

The regular meeting of the County Commissioners of Allegany County was held in the Commissioners' Meeting Room, Room 100, 701 Kelly Road, Cumberland, at 5:00 p.m. on the above date. The following were present: Commissioner Jacob C. Shade; Commissioner Creade V. Brodie, Jr.; Commissioner William R. Valentine; County Attorney William M. Rudd; and County Administrator David A. Eberly. The following business was transacted:

The Pledge of Allegiance was led by Dan Williams.

MOTION

There were no additions or deletions to the agenda.

MOTION

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and Motion carried, the Commissioners approved the minutes of the June 30, 2016, public business meeting.

PRESENTATION

Item 1 – Timothy F. Dayton, Chief, Potomac Fire Company Number 2, Westernport – Maryland State Firefighter of the Year Award and Robert H. Shimer Administrator of the Year Award – Richard L. DeVore, Director of Emergency Services. Commissioner Shade read the Commissioners' Official Citation in honor of Timothy F. Dayton, Chief, Potomac Fire Company Number 2, Westernport, for his being awarded the Maryland State Firefighter of the Year Award and Robert H. Shimer Administrator of the Year Award, and presented it to Chief Dayton.

Commissioner Shade then called forward Richard L. DeVore, Director of Emergency Services, who shared some remarks about Chief Dayton and provided some background and information about his awards. Mr. DeVore spoke very highly of Chief Dayton's service, work ethic, and legacy, describing him as a "professional volunteer", and commented that there could not have been a better person chosen as recipient of these two prestigious awards. He then invited Chief Dayton to share his thoughts.

Chief Timothy F. Dayton thanked the Commissioners for honoring him, and remarked on the countless hours and dedication of many other volunteers in the County. He expressed his great appreciation for that work, and also for the Commissioners' many years of support of the County's volunteer service. Chief Dayton commented that the Shimer Award means a great deal to him, and spoke of his friendship with Robert Shimer, expressing his gratitude for that friendship and for all he did for him. There was a round of applause for Chief Dayton.

Item 2 – Report of Legislative Services for District 1-C – Delegate Michael W. McKay presented each of the Commissioners with a report he prepared as the Legislator representing the citizens in District 1C. He also read a brief recap, a copy of which is attached to and made a part of these minutes. Commissioner McKay encouraged the Commissioners to contact him, after they review the report, with any questions or concerns they might have regarding how he voted on any particular issue. He added that if anyone in the public would like to have a copy of his report, he would be glad to prepare and deliver a hard copy. Delegate McKay explained that a copy is also available on social media under "Delegate Mike McKay". He thanked the Commissioners for their time and the opportunity to speak at this evening's meeting. The Commissioners in turn thanked Delegate McKay for his report and remarks.

PUBLIC HEARING

Item 3 – Proposed Text Amendment for LaVale Zoning Ordinance inserting "Interstate Sign Standards" applying to Ordinance Part III-B §6. "Business Signs" – David A. Dorsey, Planning Coordinator, explained that this proposed text amendment, concerning the insertion of "Interstate Sign Standards", actually began last July (2015). Mr. Dorsey reported that at that time, the management of McDonald's in LaVale approached the Planning & Zoning Commission, seeking some relief from a LaVale Zoning requirement that maximum height of commercial on-site signs be 25 feet (compared to a maximum height of 40 feet in the County). At the time the Planning Commission was in the process of revising the Zoning Code, and was hoping to merge their requested change into County planning. When the Zoning Code revision had not happened by wintertime, the Planning Commission scheduled a hearing for February 10, 2016. Mr. Dorsey reported that prior to the hearing, he did some research and provided the Planning & Zoning Commission with the sizes of other signs in the immediate neighborhood. He also proposed that the regulations limit sign height to 50 feet, applying only to on-site signs on commercially zoned properties within 2,000 feet of the center of the east and west drive lanes of I-68.

Mr. Dorsey went on to report that the Planning & Zoning Commission voted down the 50-foot limit.

Another hearing was held on May 18, 2016, at which a 72.5 feet limit was proposed (this is the height of the highest sign currently in place in LaVale) to make it fair for all businesses in the 2,000-foot zone.

Mr. Dorsey explained that the change to the regulations would involve the insertion of a Section J under Ordinance Part III-B (“Signs”) §6 (“Business Signs”). He read the proposed Section J: “On-site business signs may be constructed up to 72.5 feet in height in the Commercial A, Commercial B and Commercial C Zoning Districts, if located within 2,000 feet of the center lines of the east- and west-bound drive lanes of I-68.” The Planning & Zoning Commission recommended this change to the County Commissioners.

When Mr. Dorsey had finished speaking, Commissioner Shade opened the public hearing regarding the proposed text amendment for LaVale Zoning Ordinance inserting “Interstate Sign Standards” applying to Ordinance Part III-B §6. “Business Signs”. No one had signed up, and no one came forward, to speak either for or against the proposed text amendment. The hearing was closed.

ACTION AGENDA

Item 4 – Allegany County Fiscal Year 2017 Program Open Space Annual Plan – David A. Dorsey, Planning Coordinator, explained that every year, the State of Maryland allocates money for Program Open Space, for recreation funding. He provided some background information regarding this year’s Plan and explained the process of putting it together. He then read into the record the Allegany County Fiscal Year 2017 Program Open Space Annual Plan, a copy of which is attached to and made a part of these minutes. Mr. Dorsey pointed out that because the total amount of the projects included exceeded the funding granted, smaller projects were fully funded, and larger ones partially funded.

Before action was taken on this Item, County Administrator David Eberly commented on the restrictions and limitations placed by the State on Program Open Space (POS) funding going to the County. He recommended to the Commissioners that when they meet later this year with the Western Maryland Delegation, they request an amendment to the Code allowing the County to use the entirety of the funds received instead of putting some in reserve for acquisitions. He explained that this would avoid tough decisions and limiting some of the worthwhile projects by thousands of dollars.

Commissioner Valentine reported that POS funding was a topic of discussion at MACo this week, and that a lot of the Counties are having problems with the requirement to reserve a portion of the funds for acquisitions. He said he hopes that something will happen in the Legislature this year.

Upon Motion made by Commissioner Brodie, and seconded by Commissioner Valentine, the Commissioners approved the Allegany County Fiscal Year 2017 Program Open Space Annual Plan.

CONSENT AGENDA

As recommended by the County Administrator

Upon Motion by Commissioner Valentine, seconded by Commissioner Brodie, and Motion carried, the Consent Agenda as recommended by the County Administrator is adopted.

Item 5– Cumberland Historic Cemetery Organization – Board of County Commissioners authorized \$1,000 from the Community Promotions Account for the installation of a monument at the family mausoleum for Captain George Calmes, an American Revolutionary War soldier, located in Rose Hill Cemetery, Cumberland, Maryland.

Item 6 – Declaration of Surplus Real Property – Board of County Commissioners approved the property known as 451 Walnut Street, Westernport, Maryland, and 60-62 National Highway, LaVale, Maryland, be declared surplus and authorized their sale. Title to these properties passed to the Board of County Commissioners as a result of this property being subject to tax sale and the foreclosure of the right of redemption by the title owner and other parties with interest in said property.

Item 7 – Purchase of a E42 T4 Bobcat Compact Excavator – Board of County Commissioners approved the purchase of an E42 T4 Bobcat Compact Excavator from American Rental in Cumberland, Maryland for the quoted price of \$43,141.44.

County Administrator –

Mr. Eberly first reminded everyone that tomorrow and Saturday evenings at 7 p.m. at Constitution Park, the Cumberland Theatre will present its production of “1776”. Both performances are free to

the public, because of the Commissioners' designation of additional money to the Cumberland Theatre a few months ago, in support of this special event.

Mr. Eberly next presented the Commissioners with a draft set of guidelines for the County's Community Enhancement Program. He pointed out that additional copies will be made available for anyone interested in the Program, as well as the press. Mr. Eberly remarked that this Program, which was discussed at the Commissioners' public work session two weeks ago, is to be the start of a program that will go a long way to assist the County's municipal partners in dealing with issues related to blight and commercial revitalization. He asked the Commissioners for their blessing to place the guidelines on the County's website for review, and added that the municipalities will be encouraged to look at them over the next few weeks and provide County staff with their feedback.

Further on the subject of the Community Enhancement Program, Mr. Eberly reported that he and Jason Bennett, Finance Director, have discussed using funds from the County's Revolving Building Fund (RBF) to apply on an annual basis to support this Program. This annual figure would be \$375,000 and would be available to the County's municipal partners.

Mr. Eberly acknowledged and thanked Heather Wolford, reporter with the *Cumberland Times-News*, for the article appearing in today's paper about the Allegany County Fairgrounds. He also commended County staff for their hard work on projects at the Fairgrounds, saving a great deal of taxpayers' money.

Commissioners' statements, comments, recognition

Commissioner Valentine reported that funding for education was a big subject in Annapolis this past year, and will be even bigger this year. He said that just today he was invited to come to Annapolis next Thursday (July 21st) morning to testify before the 21st Century School Facilities Commission. Commissioner Valentine explained that this is a Commission appointed by the Governor to take a look at school construction costs, which are getting out of hand in the State of Maryland. The Commission will look at ways to cut costs of school construction while still maintaining quality construction.

Commissioner Valentine then spoke about another committee, the Adequacy Study Stakeholder Group, which is looking at the efficiency of the education system itself and how it is working. The Group will look at different components, including programs offered and the number of students per class, in an effort to try to find a way to cut the cost of education without cutting the quality of education.

Commissioner Valentine explained that he is going to serve on the State Commission on Innovation and Excellence in Education, and that once the two groups (21st Century School Facilities Commission and the Adequacy Study Stakeholder Group) have put their recommendations in writing, his Commission will review those recommendations. They will eliminate the recommendations they don't feel are good, and enhance the ones they think are better. In conclusion, Commissioner Valentine said that hopefully by 2017 they will be coming forth with ways to cut the cost of education while maintaining or increasing its quality in the State of Maryland.

Commissioner Brodie commented that, in spite of making it known he is available, he has never been contacted to serve on any group regarding mining regulation or the timber industry, and that he would love to be asked to sit on such a board, to get the State of Maryland back in business.

Commissioner Brodie then thanked Chief Tim Dayton for his service and told him that he very much deserves the honors bestowed on him.

Commissioner Shade reported on the End All Violence Rally held Tuesday evening (July 12th) at the Emmanuel Episcopal Church, remarking that it was a really great event that included members of the clergy, members of the NAACP, Commissioners Shade and Valentine, and Delegate McKay and other political figures. He added that law enforcement was also well represented at this event. Commissioner Shade commented that such events do receive press locally, but that the national media seems to be fixated only on "who shot who" and on how much people are different, rather than how much unites them.

Constituents – In order of sign-up sheet

Ms. Jane McAlpine, Lonaconing, spoke on behalf of the Goodwill Fire Company, regarding an unsafe building in Lonaconing. She described it as the theatre building located on Main Street, adjacent to the fire company's hall, where the company's dinners are held. She reported that the fire company has set up a temporary wall so that nobody can park next to the building, because the bricks are falling.

Ms. McAlpine further reported that the owner of this building wants to get rid of it, and would like the fire company to be able to use the property for parking for the fire company hall. It has been suggested that the Town of Lonaconing would have to acquire the property, tear down the building, and then deed the property over to the fire company. The Town does not want to own the property just to tear it down.

Ms. McAlpine further reported that the recent winter has really shifted more of the weight to the inside of the building, and it is starting to lean. She said that she hopes the Commissioners can help do something about this building, which if it falls, could cause injury or even death. Ms. McAlpine pointed out that there are homeowners beside the building. She expressed her willingness to work with the County to help resolve this problem.

Commissioner Brodie asked to speak with Ms. McAlpine and Town of Lonaconing Administrator Aaron Wilt after the meeting. The Commissioners feel there is a way to help.

Reminders/Upcoming Meetings -

Next Public Business Meeting – Thursday, July 28, 2016, 5:00 p.m.

Announcement – Fire Hydrant Flushing July Schedule (See News Release)

Announcement – Allegany County Transit Schedule (See News Release)

Announcement – LaVale Recycling Update (See News Release)

Announcement – Fire Hydrant Flushing August Schedule (See News Release)

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:30 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary