

August 25, 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 Mr. Danny 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 August 11, 2016, public business meeting.

PRESENTATIONS

Item 1 – Allegany College of Maryland: Allegany County Opportunity Scholarship Annual Update – Dr. Cynthia S. Bambara, President, Allegany College of Maryland, David R. Jones, Vice President of Advancement and Community Relations & Executive Director of the ACM Foundation, and Dr. Audie G. Klingler, President, Allegany College of Maryland Foundation.

Dr. Cynthia Bambara introduced Mr. Kim Leonard, Chair of the Allegany College of Maryland Board of Trustees and Dr. Audie Klingler, President of the Allegany College of Maryland Foundation, present at this evening's meeting. On behalf of the students, faculty and staff of ACM, she thanked the Commissioners for their support of the Allegany County Opportunity Scholarship Program. Dr. Bambara remarked that the Commissioners' investment has greatly enhanced the economic opportunities for the citizens and community of Allegany County by supporting education, job training, and career preparation.

After offering further brief comments, Dr. Bambara called forward Mr. David Jones, Vice President of Advancement and Community Relations at ACM and Executive Director of the ACM Foundation.

Mr. Jones presented a Year Two Report on the Allegany County Opportunity Scholarship Program. He explained that this report covered the Fiscal Year 2016, and distributed copies of the report. A copy of this report is attached to and made a part of these minutes. Mr. Jones also showed a short video in which students discussed the impact of this scholarship program on the local community. He thanked the Commissioners, and then introduced Dr. Audie Klingler, President of the ACM Foundation.

Dr. Klingler thanked the Commissioners for having representatives from ACM and the ACM Foundation at this meeting. He commented on the relationship between education and economic development opportunities and about the impact ACM has on the community.

There was a presentation to the Allegany County Opportunity Scholarship Program and Allegany College of Maryland of the Academy for Excellence Local Governance 2015 Best Practices Award, previously given to Allegany County in December 2015 by the University of Maryland School of Public Policy and the Maryland Association of Counties (MACo). A round of applause followed.

Item 2 – Elks National Patriotism Week Proclamation – Frostburg Elks Lodge #470 – Rob Rephan, Leading Knight, Charles W. Bond, Jr., Trustee, and Brian P. Westfall, PER, PSVP, PDDGER. Mr. Dale Iman, the Exalted Ruler of Frostburg Elks Lodge # 470, thanked the County Commissioners for their support of the Frostburg Elks Lodge # 470's 40th annual Derby Day. Mr. Iman reported that the event was great, and that everything went as planned, with a lot of money raised for their charities. Mr. Iman then explained that the Benevolent Protective Order of the Elks is a national fraternal organization, with about 875,000 members nationwide, dedicated to serving the community. He added that their emphasis is on conducting youth programs, serving the nation's veterans, promoting Americanism and patriotism, and performing charitable work in the community. The Elks also provide social opportunities for members.

Mr. Iman then thanked the Commissioners for recognizing Patriotism Week from September 5 through September 11 and said that they looked forward to receiving the Proclamation.

Commissioner Shade called all of the Frostburg Elks' representatives forward and read and presented the Proclamation.

ACTION AGENDA

Before moving on to the Action Agenda Items 3 and 4, Commissioner Shade announced that a sign-up sheet was available at this meeting. He explained that anyone wishing to speak at this meeting could do so, upon signing up, and they would have five minutes to speak.

Item 3 – Possible Action – Code Home Rule Bill 4-16 “Allegany County Economic Development Incentive Program” – Commissioner Jacob C. Shade and William M. Rudd, County Attorney. Commissioner Shade explained that Code Home Rule Bill 4-16 “Allegany County Economic Development Incentive Program” was on the agenda this evening for a vote. He added that hearing on this Bill was held on August 11, 2016. Commissioner Shade provided some background information about the Economic Development Incentive Program, and added that basically, the Program is targeted toward businesses, especially in the technology sector, and it provides incentives for small businesses with less than 25 employees to locate in Allegany County. Commissioner Shade remarked that the Program indicates that Allegany County is “open for business”. He pointed out that no other County in the State of Maryland has done or is doing this, and that the Program is a way for Allegany County to stand apart from the other Counties in the State.

Commissioner Brodie asked to speak before the vote. He thanked Commissioner Shade for the work he has put in on the Economic Development Incentive Program. Commissioner Shade confirmed that, if the Bill passes, the Program goes into effect on October 1, 2016, so soon the County can advertise it along with other County incentives.

Upon Motion made by Commissioner Shade, and seconded by Commissioner Brodie, the Commissioners unanimously approved and passed Code Home Rule Bill 4-16 “Allegany County Economic Development Incentive Program”.

Item 4 – Salary Study Commission Board Appointments – Board of County Commissioners, pursuant to Local Government Article, § 28-101, et. seq., of the Annotated Code of Maryland, approve the appointments of Stuart C. Czapski, Allegany County Chamber of Commerce, Clarence Broadwater, Allegany-Garrett Counties Fire & Rescue Association, Charles R. Taylor, Jr., Democratic Central Committee of Allegany County, Georgene McLaughlin, Farm Bureau of Allegany County, Tiffany Mock, Republican Central Committee of Allegany County, Lawrence A. Wolfe, Jr., Western Maryland Central Labor Council, and Mary Beth Pirolozzi, At-Large Member, to the Salary Study Commission – William M. Rudd, County Attorney, explained that State law provides for a salary study commission for Allegany County, regarding the salaries for the County Commissioners, the Board of Education, the Election Board, the Liquor Board, Orphans Court Judges, and Sheriff of Allegany County. Members to this Commission are appointed from certain organizations, which are set forth in the law. Each organization submits a nomination, except for the League of Women Voters, which no longer exists in Allegany County; the Commissioners nominate someone for that place on the Commission. They are appointing Mary Beth Pirolozzi as that at-large member.

Attorney Rudd went on to further explain that after the nominated members are appointed to the Salary Study Commission, they meet, choose their own chair, and then have additional meetings to come up with recommendations, to be presented to the County Commissioners early next year, for the salaries for the next term. Mr. Rudd added that the Commissioners can approve the Commission’s recommendations, or set salaries that are less, but cannot set salaries that are higher than the recommended salaries.

Commissioner Shade read the list of nominees: Mr. Stuart C. Czapski, representing the Allegany County Chamber; Mr. Clarence Broadwater from the Fire and Rescue Association; Mr. Charles Taylor from the Democratic Central Committee; Ms. Georgene McLaughlin from the Farm Bureau; Ms. Tiffany Mock from the Republican Central Committee, Mr. Lawrence Wolfe from the Western Maryland Central Labor Council, and Mary Beth Pirolozzi, as the at-large.

Motion was made by Commissioner Valentine, seconded by Commissioner Brodie, and passed unanimously to approve the appointments of Stuart C. Czapski, Allegany County Chamber of Commerce; Clarence Broadwater, Allegany-Garrett Counties Fire & Rescue Association; Charles R. Taylor, Jr., Democratic Central Committee of Allegany County; Georgene McLaughlin, Farm Bureau of Allegany County; Tiffany Mock, Republican Central Committee of Allegany County; Lawrence A. Wolfe, Jr., Western Maryland Central Labor Council, and Mary Beth Pirolozzi, At-Large Member, to the Salary Study Commission.

CONSENT AGENDA

As recommended by the County Administrator

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

Item 5 – Surplus Real Property – The Board of County Commissioners accepted bids offered for surplus property located in Allegany County, previously declared surplus and advertised, to the following: Ron and Jamie White, property in Cumberland, David Cowan, property in Westernport, Ed Richards, property in Cresaptown, Joseph and Barbara Robosson, two properties in Westernport, and Mike Perrino, property in LaVale.

Item 6 – Evitts Creek Stream Restoration, Contract No. AC-16-SR-01, Bid Award – Board of County Commissioners awarded the Evitts Creek Stream Restoration to Appalachian Stream Restoration, LLC, Sumerco, WV, in the amount of \$86,350.00 and authorized the President to sign any necessary documents.

Item 7 – Professional Engineering Services – 2016/2017 Small Bridge Inspections – Board of County Commissioners awarded the Professional Engineering Services – 2016/2017 Small Bridge Inspections to Johnson, Mirmiran & Thompson, Inc., Sparks, MD, for \$106,195.73.

Item 8 – Federal Fiscal Year 2014 State Homeland Security Program Grant Additional Funding – Board of County Commissioners accepted the additional funding to the FFY 2014 State Homeland Security Program Grant in the amount of \$1,616.46 as well as modification to budget 1448 to reflect this grant.

Item 9 – Federal Fiscal Year 2016 State Homeland Security Program Grant Acceptance – Board of County Commissioners accepted the Grant Award Notification received from the Maryland Emergency Management Agency for the FFY 2016 State Homeland Security Program Grant in the amount of \$93,147.00 as well as modification to budget 1448 to reflect this grant.

Item 10 – Professional Services Retainer Agreement – Board of County Commissioners authorized the County Administrator to sign, on behalf of the Board of Commissioners of Allegany County, a First Term Extension of 24 months to the *Professional Services Retainer Agreement* with Smith Planning and Design, LLC.

County Administrator – Correspondence and Bid Opening –

Mr. Eberly reported that bids were opened this week for a new steel bed dump truck for the County's Roads Department.

Mr. Eberly also read into the record a letter addressed to The Honorable Kumar P. Barve, Chairman of the Environmental and Transportation Committee with the Maryland House of Delegates. A copy of this letter is attached to and made a part of these minutes.

Commissioners' statements, comments, recognition

Commissioner Valentine reported that all three Commissioners were at MACo last week. He remarked that it was another great conference, where a lot of good information was shared. Commissioner Valentine commented that it was great to have the opportunity to have a private meeting with both the Governor and the Lt. Governor, and he added that the Governor let them know that he has not given up the fight on getting highway user funds up this way. Commissioner Valentine spoke about the Legislature's requirement that all money spent for transportation has to go through a rating system. He pointed out that the Legislature was told that the rating system was heavily sided against smaller counties, because most of the rating is based on population, and reported that nine out of ten projects went to Montgomery County. Commissioner Valentine commented that this will keep happening, unless the Governor can get it changed, and that Allegany County will continue in its full support of the Governor regarding this.

Commissioner Brodie expressed his thanks to Governor Hogan for the recent repeal of the Septic Tank Law, which means that private citizens now do not have to put in a nitrogen removal system on their septic tanks. He mentioned that the requirement was very rough on Allegany County. Commissioner Brodie explained that now, unless in a Bay-critical area, citizens are free to go building again.

Commissioner Valentine remarked that removal of the requirement takes the cost of a septic system from \$35,000 back down to about \$4,000.

Commissioner Shade reported on a meeting he attended this week hosted by the City of Cumberland. The meeting was regarding the City moving forward with plans to revitalize Downtown Cumberland, including the opening of Baltimore Street to traffic. Commissioner Shade discussed some infrastructure upgrades that will have to be done, including water and sewer, high-tech fiber and some electrical work. He commented that it is important that the City and County work together to move forward with this and other projects.

Constituents – In order of sign-up sheet

Tracy Lewis, Cumberland, talked about the Cumberland Raceway. She said that most of the drivers have sponsors from the local area, and those sponsors have to give permission to the drivers to go to other tracks to run. This has resulted in local drivers with racecars that can't be run. Ms. Lewis expressed her wish that the Cumberland Track be reopened.

Mr. Eberly asked the Commissioners if they had taken a formal vote to close the racetrack in Cumberland. Commissioner Brodie answered that they had not. Mr. Eberly explained that a promoter is needed and has been sought. Commissioner Brodie remarked that he hoped a promoter would come in to get the track up and running again, and Commissioner Shade agreed, adding that if someone wants to do that, the Commissioners will welcome them. Commissioner Valentine mentioned that he participated in racing events for many years.

Commissioner Valentine then pointed out that there have been a lot of comments made on social media that are one hundred percent false, such as that the County is not really supportive of racing in Cumberland. He spoke of past promoters who made improvements to the track and ran events there. Commissioner Valentine explained that the last promoter, Rick Jones, ran races at Cumberland Speedway for almost 20 years. During the last two years Mr. Jones was there, he appeared to have lost interest in running it any more. Apparently this was due to a lack of cars and to a lack of attendance at the races. Commissioner Valentine reported that when he took office, he tried to get Mr. Jones to terminate his contract, so the County could start looking for another promoter in 2012. Mr. Jones stayed, running one race one year and no race the next year, and right after his contract ended, Mr. Craig Knippenberg signed a contract to take over the speedway. This contract provided that Mr. Knippenberg was to be responsible for guardrails, and also provided for seven race dates. The County agreed to increase the number of race dates to 20, which Mr. Knippenberg later reduced, not the County.

Commissioner Valentine confirmed that the County Commissioners are willing to listen to a prospective promoter, but the promoter has to present them with a good proposal. He also confirmed that the County Commissioners are fully supportive of full operation of the track. Commissioner Valentine pointed out that the County supplies the lighting and all of the utilities at the track, and that the track was offered to Mr. Knippenberg for \$850 a night whenever he ran a race.

Rheannon Holler thanked Commissioner Valentine for his comments and also thanked the other Commissioners for theirs. She remarked that it was reassuring to her to know that the Commissioners are willing to work with the racing community to get the racetrack going. Ms. Holler explained that her committee is willing to perform research and background to figure out what they need to do to make that happen. She told the Commissioners that they just need time to bring the information to them to prove that they can run the track. Ms. Holler said that she is hopeful the racing community and the Commissioners can work together and put any negativity behind them.

Commissioner Brodie asked Mr. Holler to do the Commissioners a favor: he asked her and her fellow committee members to meet with two gentlemen he pointed out to her in the back of the meeting room. She agreed.

There was discussion of the importance and necessity that the track be safe, above all.

Mr. Eberly asked to speak again, and said that there is not a more dedicated public servant than Kevin Kamauf, the Fairgrounds Manager and Caretaker. He recommended that in the future, when someone misunderstands something that takes place concerning the Fairgrounds, give Mr. Kamauf the benefit of the doubt. Mr. Eberly added that Mr. Kamauf is not against any kind of racing activity at the Allegany County Fairgrounds. He also pointed out that County staff has devoted the past twelve to fourteen years trying to figure out a way to best improve the caretaker's home, or build a new caretaker's home, and that the County takes exception to comments made about possibly burning down Mr. Kamauf's home. Mr. Eberly concluded by saying that Mr. Kamauf is a fantastic asset to the community and that he will be defended heart and soul by the Commissioners and County staff.

Reminders/Upcoming Meetings

Next Public Business Meeting – Thursday, September 15, 2016, 5:00 p.m.
Announcement – Allegany County Government Schedule (See News Release)
Announcement – Allegany County Mulch Site (See News Release)

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 6:00 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary