

September 29, 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 September 15, 2016, public business meeting.

PRESENTATIONS

Item 1 – Mental Health Awareness Week, October 2-8, 2016 – Lesa A. Diehl, Director, Allegany County Health Department Mental Health System's Office, thanked the Commissioners for their ongoing support as the Mental Health System's Office works to address mental health and addictions issues in Allegany County. She explained that this is the twenty-third year her office has celebrated Mental Illness Awareness Week. Ms. Diehl remarked that many changes have been seen throughout that length of time. The local service system has gone from one outpatient mental health clinic at the Health Department and one psych rehab program, Archway, to five outpatient mental health clinics, four psych rehab programs, crisis beds, and a cadre of private providers. Ms. Diehl also commented on the "tremendous advances in medication and treatment options" the "shift in focus to person-centered and trauma-informed care", and "progress in educating the community that mental illness is just that: an illness". She again thanked the Commissioners and said that her Office could not do what they do without their support.

Commissioner Shade mentioned his recent visit to the Mental Health System's Office as a member of the Mental Health Board. He commented on her dedication and that of her staff. Commissioner Shade then read and presented the Proclamation of October 2 through 8, 2016, as Mental Illness Awareness Week in Allegany County. A round of applause followed.

Item 2 – National Adult Education & Family Literacy – Deborah K. Miller, Instructional Specialist, Adult Education Program, Allegany College of Maryland, explained that National Adult Education & Family Literacy runs from September 26th through October 1st. Ms. Miller added that she was present to promote the idea of literacy. She reported that there are 36 million adults in the United States who struggle with basic academic skills, making it very difficult for those people to become employed. Ms. Miller pointed out that in the State of Maryland, over 500,000 adults lack a high school diploma.

Ms. Miller provided some information about the adult education program, which is a grant-funded program through the Workforce Innovative and Opportunities Act (WIOA), to help develop a workforce. She commented on the value of literacy, and the effect illiteracy has on the community. Ms. Miller concluded her remarks by asking the County Commissioners, to advocate for funding for the adult education program, which has been static-funded since 2002, with the State Legislators. She pointed out that in the State of Maryland, approximately 36,000 people are on waiting lists for the services. Ms. Miller then handed out green bands to "Go Green for Literacy" every day this week, and also distributed information.

Commissioner Shade told Ms. Miller that the Commissioners would be signing a letter to send on her behalf. County Administrator Eberly confirmed that the letter would be ready the next day.

ACTION AGENDA

Item 3 – Introduction – Code Home Rule Bill 5-16 "LaVale Sanitary District - Mechanic Street Sewer Improvements Project Bond Authorization" – Jason M. Bennett, CPA, Director of Finance, directed the Commissioners' attention to the proposed Code Home Rule Bill before them, CHR Bill 5-16 "LaVale Sanitary District - Mechanic Street Sewer Improvements Project Bond Authorization". Mr. Bennett explained that this evening is for introduction of the Bond Bill. He remarked that currently a lot of work is being done on Mechanic Street, on the sewer, as part of a USDA project with a total cost of \$978,000. He asked the Commissioners to introduce CHR Bill No. 5-16, and he pointed out that this is not actually County debt, but LaVale Sanitary's, and that the County will simply guarantee the debt and do all of the paperwork for them.

Mr. Bennett explained to the Commissioners that hearing, and hopefully action, on the Bill will take place at next week's (October 6) public business meeting. He added that LaVale Sanitary is under a little bit of a time crunch, and that Finance is hoping to get the Bill complete and effective by November 20, 2016, so LaVale Sanitary can do interim financing.

Commissioner Brodie told the other two Commissioners that, although Code Home Rule Bill 5-16 does not affect him in any way, since he is an employee of LaVale Sanitary Commission, he will not be voting on the Bill. He added that he would, however, be happy to answer any questions anyone has concerning the project. Commissioner Valentine remarked that this is a much-needed project.

Mr. Bennett also reported that LaVale Sanitary has gotten a really good term on the financing, currently 1.375 percent on the USDA loan.

Upon Motion made by Commissioner Shade, seconded by Commissioner Valentine, and Motion carried, the Commissioners approved the introduction of Code Home Rule 5-16 "LaVale Sanitary District - Mechanic Street Sewer Improvements Project Bond Authorization", with Commissioners Shade and Valentine voting "yes" and Commissioner Brodie abstaining from the vote.

Item 4 – Property Tax Credit for Fiscal Year beginning July 1, 2016 through June 30, 2017 –

Board of County Commissioners to grant property tax credits pursuant to Tax Property Article §9-302(b), for Fiscal Year beginning July 1, 2016 through June 30, 2017 for the following entities: Frostburg Lions Club, Inc., LaVale Lions Foundation, Inc., Western Maryland Scenic Railroad Development Company, Cumberland Cultural Foundation, Allegany County Agricultural Expo, and Carver Community Center, Inc.; and grant property tax credits pursuant to Tax Property Article §9-302(c) for Fiscal Year beginning July 1, 2016 through June 30, 2017 for United Brotherhood of Carpenters, Local 1024 and Western Maryland Central Labor Council; and grant property tax credits pursuant to Tax Property Article §9-302(f) for Fiscal Year beginning July 1, 2016 through June 30, 2017 for Cumberland Outdoor Club – William M. Rudd, County Attorney, explained that state law authorizes Allegany County to grant tax exemptions each year to various non-profit organizations in Allegany County. All of these organizations have submitted their letters of request for this year. Mr. Rudd reported that the letters of request have been vetted, and that it was his recommendation that the Commissioners approve and grant property tax credits to the organizations again this year.

Upon Motion by Commissioner Brodie, and seconded by Commissioner Valentine, the Commissioners unanimously granted property tax credits pursuant to Tax Property Article §9-302(b), for Fiscal Year beginning July 1, 2016 through June 30, 2017 for the following entities: Frostburg Lions Club, Inc., LaVale Lions Foundation, Inc., Western Maryland Scenic Railroad Development Company, Cumberland Cultural Foundation, Allegany County Agricultural Expo, and Carver Community Center, Inc.; and granted property tax credits pursuant to Tax Property Article §9-302(c) for Fiscal Year beginning July 1, 2016 through June 30, 2017 for United Brotherhood of Carpenters, Local 1024 and Western Maryland Central Labor Council; and granted property tax credits pursuant to Tax Property Article §9-302(f) for Fiscal Year beginning July 1, 2016 through June 30, 2017 for Cumberland Outdoor Club.

Item 5 – Lease Agreement with Option to Purchase Building 88-1 and Adjacent Lot –

Board of County Commissioners to authorize the President to execute a Lease Agreement with Option to Purchase with Hetzel Properties, LLC, a Maryland limited liability company, for approximately 8.052 acres, including Building 88-1 and part of Lot 2, Lot 3, Lot 4, and Lot 5 as shown on Subdivision Plat No. 613, titled "Mexico Farms Industrial Park, Section I – Amended II", located in the North Branch Industrial Park – Jeffrey S. Barclay, Economic Development Specialist, reported to the Commissioners that County staff has been working with Hetzel Properties, LLC, for the past few months, trying to find them a home in Allegany County. Mr. Barclay explained that several different buildings and properties were pitched to the company, and that Hetzel has approached County staff asking to enter into a lease agreement and option to purchase on Building 88-1 located in the North Branch Industrial Park.

Mr. Barclay pointed out that the name "Hetzel" may sound familiar, as the principal that was named with Pharmaculture, one of the cannabis processors named by the Maryland Medical Cannabis Commission. He asked the Commissioners to authorize the President of the Board of County Commissioners to execute a lease agreement with Hetzel Properties, LLC, as the property manager for Pharmaculture.

Commissioner Shade asked Mr. Barclay if the company would have room to expand at Building 88-1. Mr. Barclay replied that, yes, with this operation, they would. He explained that there was not much more to report on at this time, in light of the different issues surrounding this new industry in Maryland and what it will take for it all to "flush out". As a named processor, the company is just

looking for a home to start to look towards a phase 2 portion of this project, starting small in this 15,000 square foot building. Mr. Barclay further explained that this building was designed to be expanded, to up to double its size to 30,000 square feet, and that there is an additional four to five acres included in the proposed agreement that, if anything else should come of this, such as the company getting a grower's license, etc., could be used to expand the operation.

Commissioner Shade asked for confirmation of the proposed purchase price, and Mr. Barclay confirmed it would be \$820,000 if, at any time during the five-year lease period, Hetzel Properties, LLC, would exercise its option to purchase.

Commissioner Valentine moved that the Commissioners authorize the President to execute a Lease Agreement with Option to Purchase with Hetzel Properties, LLC, a Maryland limited liability company, for approximately 8.052 acres, including Building 88-1 and part of Lot 2, Lot 3, Lot 4, and Lot 5 as shown on Subdivision Plat No. 613, titled "Mexico Farms Industrial Park, Section I – Amended II", located in the North Branch Industrial Park. Commissioner Brodie seconded the Motion. Motion carried unanimously.

Item 6 – Lease Agreement for Automobile Racing at the Allegany County Fairgrounds – Board of County Commissioners to approve a three-month agreement with Corey McKenzie Auto Cross (CMA) for a single exhibition event – David N. Nedved, Economic and Community Development Representative, referred the Commissioners back to lease agreements they had for a number of years for conducting dirt-track racing at the Allegany County Fairgrounds. These ended with the 2015 calendar year. There is no lease agreement in place for the current calendar year (2016), and Corey McKenzie Auto Cross (CMA) has asked to conduct a single exhibition event at the Fairgrounds during the period October 1, 2016, through December 31, 2016. Mr. Nedved explained that the date would be worked out between Corey McKenzie Auto Cross and the Fairgrounds Director. He further explained that a lease agreement covering this single event would need to be signed by the Commissioners.

Mr. Nedved then introduced Mr. Corey McKenzie, to address any questions and explain the proposed event.

Mr. Corey McKenzie first thanked the Commissioners, and also thanked County staff, including Mr. Nedved and Fairgrounds Director Kevin Kamauf, for being so helpful and accommodating. He told the Commissioners that what he would like to do is to run a single exhibition event sometime between the first of October and the end of the year. Mr. McKenzie explained that he was using the term "exhibition event" simply because he would like to get an event going this year, to drum up interest, and attract media, and get some information back to insurance companies to be able to run an entire schedule next year. Mr. McKenzie went on to say that he does not plan to advertise for spectators, but simply would put on the event to get some cars out on the track and get some feedback and information.

Commissioner Brodie congratulated Mr. McKenzie and told him that the Commissioners wish him the best of luck. He remarked that Mr. McKenzie is putting out a good vibe, and that there is a lot of positive interest behind the scenes in what he wants to do. Commissioner Brodie told Mr. McKenzie that he hoped, when the exhibition is put on, he would not mind if a couple of people show up to watch. Mr. McKenzie assured him that he would not mind that at all.

Commissioner Valentine added that he hoped that the press will mention that this will not hinder any stock car racing that may happen out at the Fairgrounds in the future, since the Commissioners are currently talking with a possible promoter about that type of event also. He said that the two could work together, and Mr. McKenzie agreed.

County Administrator Eberly told Mr. McKenzie that the time frame he is looking at is around 90 days, and remarked that is a fairly tight window in terms of the weather, and as to whether or not it is possible to get other drivers to participate at this point in time. He asked Mr. McKenzie to confirm that this will be a daytime event, and Mr. McKenzie said that it will be.

Upon Motion made by Commissioner Valentine, seconded by Commissioner Brodie and Motion carried, the Commissioners unanimously approved a three-month agreement with Corey McKenzie Auto Cross (CMA) for a single exhibition event.

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 7– Allegany County Animal Control Board Appointment – Board of County Commissioners re-appointed Jo Wilson and Kari Bullamore to the Allegany County Animal Control Board for a two-year term. Their terms will expire on June 30, 2018.

Item 8 – Adult Guardianship Review Board Appointment – Board of County Commissioners appointed Patricia Painter to the Adult Guardianship Review Board for a three-year term. Her term will expire on June 30, 2019.

Item 9 – 2016-2017 Hazardous Materials Emergency Preparedness Grant Acceptance – Board of County Commissioners accepted the 2016-2017 Hazardous Materials Emergency Preparedness Grant in the sum of \$8,720.00 for hazardous materials planning and training as well as modification to budget 1440 to reflect this grant. This grant will be administered by the Department of Emergency Services and is provided through the Maryland Emergency Management Agency.

Item 10 – Federal Fiscal Year 2016 State Homeland Security Program Grant Adjustment – Board of County Commissioners accepted the additional FFY 2016 State Homeland Security Program Grant funding in the amount of \$216,667.00 as well as modification to budget 1448 to reflect this grant. These funds will be utilized to enhance interoperable communications as well as to update and enhance emergency preparedness and response plans.

Item 11– Draw Requests for Federal Fiscal Year 2017 for Rental Allowance Program – Board of County Commissioners authorized the President of the Board of County Commissioners to sign the Grant Application and Grant Agreement for the Rental Allowance Program for Federal Fiscal Year 2017 for \$52,492.00 and authorized the County Administrator to sign the Purchase of Services Agreement with Allegany County Human Resources Development Commission for its administration and the draw requests that HRDC submits.

Item 12 – Braddock Run Sanitary Sewer Rehabilitation Phase V Bid Award – Board of County Commissioners approved the award of the Braddock Run Sanitary Sewer Rehabilitation Phase V: Grahamtown/Eckhart/Clarysville project to Mr. Rehab, Inc., Mechanicsburg, PA, for the amount of \$396,548.20, subject to approval by Maryland Department of the Environment, and authorized the President to sign any and all necessary contract agreements or documents.

Item 13 – Declaration of Surplus Vehicles – Board of County Commissioners declared the following abandoned vehicles surplus to be sold at public auction: 2004 Chevy Aveo VIN # KL1TD62694B269153, 2000 Pontiac Grand AM VIN # 1G2NF52E5YC517819, 2004 Dodge Neon VIN # 1B3ES26C04D596496, 2005 Dodge Neon VIN #1B3ES56CX5D163268, 2003 Lexus IS VIN # 3000 JTHBD192630073920, 1996 Chevy Cavalier VIN # 1G1JF5240T7194971, 1999 Chevy Malibu VIN # 1G1ND52J6X6102674, 1999 Ford F-150 Truck VIN #1FTRX18W4XNA18080, 1998 Pontiac Grand Prix VIN # 1G2WP52K6WF330219, 2000 Chevy 1500 Truck VIN # 1GCEK19T4TE272312, and a 1998 Toyota Truck T100 VIN # JT4UN22D6W0053292 and a 1999 Pontiac Grand AM, VIN # 1G2NE52E0XC535680.

County Administrator David Eberly announced that there will be a public meeting next Thursday (October 6), and that agenda items for that meeting are somewhat limited. Mr. Eberly explained that the Commissioners' schedule has had to be readjusted to accommodate for the fact that Meeting Room 100 will be used at the end of the month of October for the election process, so he is trying to squeeze in two meetings in the month of October, with the first next week and another on October 20th.

Mr. Eberly also explained that the County's meeting on Thursday, November 3, 2016, will not be held here at the County Office Building because of Early Voting. The November 3rd meeting will be held in Mt. Savage at the Fire Hall. Mr. Eberly thanked Danny Williams for his help in making the arrangements for that meeting.

Commissioners' statements, comments, recognition –

Commissioner Valentine reported that the first meeting of the Education Funding Commission took place today, with 20 members on the Commission. He remarked that it should be a very interesting year for this Commission.

Commissioner Brodie spoke next, and reported that back in early Spring he asked County staff to start looking into a way to start helping with some of the County's zoning regulations, to free things up a little bit and get rid of some of the not useful "stuff" off the book, and streamline the process. Commissioner Brodie explained that he has been dealing with County Attorney Rudd regarding the zoning regulations, and that hopefully, toward the end of November or first part of December, the

Commissioners can have a work session to see where things stand to date, and when something can be ready for an agenda in January 2017 to clean up everything.

Commissioner Brodie also said that one thing he always loves to do is to introduce people present in the audience at public meeting. He acknowledged Mr. Mark Widmyer from the Governor's Office, former Allegany County Sheriff, Gary Simpson, and "Loralei and Bob".

Commissioner Shade announced that on October 1, 2016, new laws go into effect, including the County's incentive program being rolled out towards smaller businesses, especially in the tech fields. He recapped the incentive amount through this new program: \$3,000 per employee for employees numbered three through ten; and \$2,000 per employee for employees numbered eleven up to twenty-five. The incentive payments will come out of the economic development fund. Commissioner Shade remarked that he hopes to see the program used in the coming months.

Constituents – In order of sign-up sheet (No one signed up to speak at this meeting.)

Mr. Mark Widmyer asked to speak from the audience, and commented on the flags displayed in the meeting room.

Reminders/Upcoming Meetings

Next Public Business Meeting – Thursday, October 6, 2016, 5:00 p.m.

Announcement – Electronics Recycling Week (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