

January 19, 2017

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.; 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 #1

Commissioner Brodie requested that Item 3-A be added to the Agenda under Action, for discussion and possible action regarding two members to be appointed to the Del Commission, as suggested by the DelFest group. The Commissioners agreed to the addition of Item 3-A.

There were no further additions or deletions to the agenda.

MOTION #2

Upon Motion by Commissioner Brodie, seconded by Commissioner Shade, and Motion carried, the Commissioners approved the minutes of the January 5, 2017, public business meeting.

PRESENTATION

Item 1 – Fort Hill Football Team: State Class 1A Championship – Joseph W. Carter, Principal, Todd D. Appel, Coach, Amber M. Waltz, Athletic Director, and Brayden Brown, Richard Hess, Brayden Conley, and Nathaniel Graves, Football Team Co-Captains. The Commissioners called forward Principal Joseph Carter and Coach Todd Appel of Fort Hill High School. Mr. Carter confirmed to Commissioner Brodie that Fort Hill's Football Championship this year is the fourth in a row, and he thanked the Commissioners for honoring Fort Hill again. He acknowledged the hard work of the players on the football team and remarked that the championship benefits the entire school as well as the community.

** Commissioner Valentine was not present because he was in Annapolis testifying on a Bill.* Coach Appel also spoke, and thanked the Commissioners for the honor. He agreed with a comment made by Mr. Carter, that the Fort Hill football team members are leaders as well as football players. Coach Appel remarked that, win or lose, the school and team plan to continue to work hard to try to produce good people. He thanked Principal Carter and also Mrs. Amber Waltz, Fort Hill High School Athletic Director, present in the audience. He especially recognized Mrs. Waltz' efforts and the great job she did dealing with the State Playoff System.

Coach Appel then introduced the Fort Hill football team members accompanying him this evening and shared brief remarks about each one: Brayden Conley, Brayden Brown, Nathaniel Graves, and Richard Hess.

After Coach Appel finished his comments, Commissioner Shade called him, Principal Carter, Mrs. Waltz, and the players forward and then read and presented them with the official Citation. A round of applause followed.

STATE OF THE COUNTY ADDRESS

Jacob C. Shade, President

Commissioner Shade, as President of the Board of County Commissioners, presented the annual State of the County Address for the calendar year 2016. A copy of this Address is attached to and made a part of these Minutes.

ACTION AGENDA

Item 2 – Citizen Participation Plan and Residential Anti-Displacement and Relocation Assistance Plan as Required for Community Development Block Grants – Board of County Commissioners to adopt an updated plan for Citizen Participation and an updated plan for Residential Anti-Displacement and Relocation Assistance, and authorize the President to sign both plans – David K. Nedved, Economic and Community Development Representative, provided background and additional information regarding the Citizen Participation Plan and Plan for Residential Anti-Displacement and Relocation Assistance for Allegany County.

He explained that up to date Plans need to be in place in order for the County to receive Community Development Block Grant (CDBG) Funding, and pointed out that the current Plans, adopted on January 9, 2014, were effective for only three years pursuant to CDBG requirements. Mr. Nedved further explained that Allegany County will not be able to draw down any of the \$400,000 in CDBG funding awarded to the County for the Sunnyside and Prince Albert Water Projects until the new Citizen Participation Plan and Residential Anti-Displacement and Relocation Assistance Plans are signed. He asked the Commissioners to approve the Plans and authorize President Shade to sign them.

Upon Motion by Commissioner Brodie, seconded by Commissioner Shade, and duly carried, the Commissioners approved and adopted an updated Plan for Citizen Participation and an updated Plan for Residential Anti-Displacement and Relocation Assistance, and authorized the President to sign both Plans.

Item 3 – Resolution 17-4 – Fiscal Year 2017-2022 Cumberland Area Transportation Improvement Program Amendment – Board of County Commissioners, acting as the Metropolitan Planning Organization, to authorize and adopt Resolution 17-4 endorsing the Revised Fiscal Year 2017-2022 Transportation Improvement Program – Siera N. Wigfield, Transportation Planner, told the Commissioners that she was submitting for their approval a Transportation Improvement Program (TIP) Amendment for two ARC Projects, which are 100% federally funded. Mrs. Wigfield reported that the two Projects are the Braddock Road Gateway Enhancement Project, in Frostburg, and the New Baltimore Street Town Center, in Cumberland.

Upon Motion made by Commissioner Shade, and seconded by Commissioner Brodie, the Commissioners authorized and adopted Resolution 17-4 endorsing the Revised Fiscal Year 2017-2022 Transportation Improvement Program.

Item 3-A- Appointments to Del Commission – County Administrator David Eberly requested that the Commissioners take action on a Motion before them, for the County Commissioners to approve the appointments of Mr. Bill Freas to a two-year term, and Mr. Craig Miller to a three-year term, as at-large members of the Del Commission of Allegany County. Mr. Eberly explained that Mr. Freas' term will expire on January 19, 2019, and Mr. Miller's term will expire on January 19, 2020.

Commissioner Shade moved that the County Commissioners appoint Bill Freas to a two-year term on the Del Commission, to expire January 19, 2019, and appoint Craig Miller to a three-year term on the Del Commission, to expire January 19, 2020. Commissioner Brodie seconded the Motion. Motion carried.

CONSENT AGENDA

As recommended by the County Administrator

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

Item 4 – Surplus Real Property – Board of County Commissioners accepted bids offered for surplus property located in Allegany County, previously declared surplus and advertised, from the following: Galen and Diane Broadwater, property in Barton, Paul Wilson, property in Corriganville, and Robert Lewis, Jr., property in Eckhart.

Item 5 – Request for Tax Abatement – Board of County Commissioners approved the abatement of taxes in the amount of \$331.11 for one property located on Railroad Street in Barton (#09-009507). This lot is being acquired by the Town of Barton.

Item 6 – Solid Waste Management Board Appointment – Board of County Commissioners approved the appointments of Melanie Hunt to serve as an alternate for the City of Cumberland position and Doug McKenzie to serve as an alternate for the institutional position (Frostburg State University) on the Solid Waste Management Board. Their terms will expire on December 31, 2019.

Item 7 – Building Codes Appeals Board Re-Appointment – Board of County Commissioners authorized the re-appointment of James F. Hosken as a member of the Building Codes Appeals Board. His term will expire on January 22, 2022.

Item 8 – Fiscal Year 2017 Destination Marketing Organization Grant Agreement – Board of County Commissioners authorized the President to sign the grant agreement for the FY 2017 Destination Marketing Organization Grant for \$36,778, and authorized the President to sign any and all documents relating to this grant agreement.

County Administrator – Correspondence - **County Administrator Eberly** said that he had three letters he wished to read into the record and ask the Commissioners to sign. He reminded them

that all three of the initiatives were previously discussed at length with members of the Allegany County Legislative Delegation back in November. Commissioner Shade asked Mr. Eberly to read the three letters, all of which are attached to and made a part of these Minutes. The Commissioners approved and agreed to sign the letters.

County Attorney – County Attorney Rudd suggested an addition to the State of the County Address: The County's acquisition of the Cumberland Chase Property across from the Barton Business Park is set to close tomorrow (January 20, 2017).

Commissioners' statements, comments, recognition –

Commissioner Brodie reported that at his last meeting at the Airport, he was approached by the Experimental Aircraft Association, who conduct fly-ins over there once a month, weather permitting. He added that the fly-ins have been quite successful, and that Rick Kite, the President of the Association, has decided to hold a big event at the Airport in September 2017, a "Planes, Trains and Automobiles Weekend". Mr. Kite discussed this with the Airport Authority members, and City of Cumberland Councilman David Caporale and Commissioner Brodie have volunteered to help with the event, in particular with reaching out to the Railroad and Museum. Commissioner Brodie will keep the other Commissioners informed as the date of the event draws nearer. He pointed out that about 200 people showed up at the last fly-in. Commissioner Brodie suggested that the County's trolley could make runs between the Airport and the Museum.

Commissioner Shade had no further comments to make this evening.

Constituents – In order of sign-up sheet –

Mr. Harold Barmoy, 13 South Woodlawn Avenue, LaVale, spoke about a problem with missing signage in his neighborhood, on Route 40. He said that this makes it difficult for visitors to find Forest Avenue, which he uses to get to his residence. Mr. Barmoy also brought up that although Forest Avenue is a County street, it is unimproved. He then told the Commissioners that neighbors are encroaching on Forest Avenue, with fencing and trees, reducing it from a 40-foot street to a 17-foot street, making it impossible for emergency vehicles, such as fire trucks or ambulances, to get through.

Mr. Barmoy reported that he spoke with Adam Patterson, County Engineer, who came up to inspect the situation, and that Mr. Patterson agreed with Mr. Barmoy that it is a problem. However, the County can't do much about the issue, because the street is unimproved. Mr. Barmoy asked why the County, since it owns the street, can't do something about this problem.

Commissioner Brodie explained that Forest Avenue is an OP Street, and that it is a right of way. He asked Attorney Rudd to comment on the issue.

County Attorney Rudd explained that there have been similar situations in the past, where the County has sent a letter reminding residents that it is a violation of County Code to block a County right of way, whether it is the County's road or not. He said that could be done in this case, if Mr. Barmoy would provide the information to Mr. Eberly.

Mr. Barmoy then brought up another issue, regarding S. Woodlawn Avenue being closed from Forest Avenue down to the creek. He explained that it was closed with the assumption that it would be available for LaVale Sanitary to get through and do what it needs to do. Mr. Barmoy said that at the time of the closing, he had no objections, but now a chain has been put across the road so drivers can't turn around on this dead-end street. He presented a copy of the right of way agreement, which states that "no buildings or other structures of any kind will be erected in or over the said right of way". Mr. Barmoy pointed out that the chain is over the right of way.

Attorney Rudd discussed this with Mr. Barmoy, and explained that property owners (in this case, LaVale Sanitary) can use their property as they see fit, as long as they own it, subject to the right of way, meaning that they can't put any permanent buildings on it. He told Mr. Barmoy that he didn't think that a fence (chain) qualifies as a building, which would be a shed, garage, or a house. He also told Mr. Barmoy that citizens have an opportunity to complain about a road closing when it is advertised and a hearing is held before a road is closed; but once it is closed, it's closed. The road cannot be reopened, and it becomes private property; and the County cannot do anything about it.

Mr. Barmoy thanked the Commissioners for their time, and said that he would stay after the meeting to provide information regarding his first concern.

Mr. Mark Baker, of Cumberland, spoke next. Mr. Baker explained that he is the co-proprietor of the Embassy Theatre at 49 Baltimore Street, in Cumberland. Mr. Baker spoke of his appreciation for the State of the County Address, and for the rich history of Allegany County.

Mr. Baker told the Commissioners that the Embassy Theatre would be glad to participate in presentations about the history of the National Road, as well as other points of historical interest in the County. He spoke about the recent Whiskey Rebellion event and its success. Mr. Baker then provided his telephone number, 212-674-4122.

Mr. Kenneth Wilmot, 513 Fort Avenue, Cumberland, voiced his concerns about the drug problem in Allegany County. He also mentioned some memories about the Embassy Theatre.

Reminders/Upcoming Meetings -

Next Public Business Meeting – Thursday, February 9, 2017, 5:00 p.m.

Announcement – Christmas Tree Recycling Sites (See News Release)

Announcement – Allegany County Transit Training (See News Release)

Announcement – Allegany County Recreation Survey (See News Release)

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:50 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary



ALLEGANY COUNTY, MARYLAND
Office of The Board of County Commissioners

701 Kelly Road
Cumberland, MD 21502
301-777-5912 FAX 301-724-6970
www.gov.allconet.org

BOARD OF COMMISSIONERS

Jacob C. Shade, *President*
Creade V. Brodie, Jr.
William R. Valentine

David A. Eberly, *County Administrator*
William M. Rudd, *County Attorney*

January 19, 2017

The Honorable George C. Edwards
James Senate Office Building, Room 323
11 Bladen Street
Annapolis, MD 21401

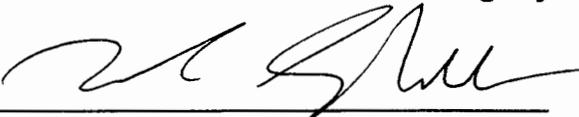
Dear Senator Edwards:

The Allegany County Animal Shelter Management Foundation, a 501-(c) 3 organization, recently acquired title to the former Sheriff's Office Building on Furnace Street in Cumberland, Maryland. At this time, the Board of Commissioners of Allegany County wishes to request that the Allegany County Legislative Delegation prepare legislation adding this organization to the list of qualifying exempt organizations identified in the State Property Code 9-302.

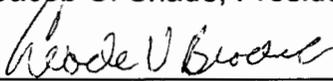
Should you have any questions or have additional comments on this matter, feel free to contact us at your earliest convenience.

Sincerely,

The Board of Commissioners of Allegany County



Jacob C. Shade, President



Creade V. Brodie, Jr., Commissioner



William R. Valentine, Commissioner



ALLEGANY COUNTY, MARYLAND

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January 19, 2017

The Honorable George C. Edwards
11 Bladen Street
323 James Senate Office Building
Annapolis, MD 21401

Dear Senator Edwards:

The Board of Commissioners of Allegany County wish to take this opportunity to express their support on behalf of the Board of License Commissioners (Liquor Board) position to amend the Alcoholic Beverage Article of the Maryland Code (see attached). Specifically, the County supports the position of the Liquor Board to pursue an amendment to Section 9-2002, 9-2003, and 9-2004 of the Alcoholic Beverage Article to allow Class A, C, and D License holders to sell alcohol on Sundays in the same manner they are able to sell alcohol Monday through Saturday.

Businesses that voluntarily choose to pursue Sunday sales will pay an additional \$250.00 annual fee to the Liquor Board. Furthermore, we support the Liquor Board's decision to make the hours of all license holders to sell on Sunday, uniform from 11:00 a.m. Sunday to 2:00 a.m. on Monday.

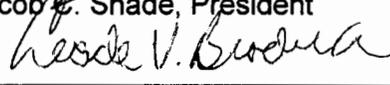
Should you have any questions or desire additional information, feel free to contact our offices at your convenience.

Sincerely,

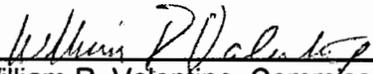
The Board of Commissioners of Allegany County



Jacob C. Shade, President



Creade V. Brodie, Jr., Commissioner



William R. Valentine, Commissioner

Enclosure



ALLEGANY COUNTY, MARYLAND

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January 19, 2017

The Honorable Joan Carter Conway
Senate Education, Health & Environmental Affairs Committee
West Miller Senate Office Building, Room 2
11 Bladen Street
Annapolis, MD 21401-1991

RE: Senate Bill 116 – Program Open Space – Attainment of Acquisition Goals – Local Government Apportionment and Use of Funds

Dear Senator Conway:

The Board of Commissioners of Allegany County wholeheartedly support Senate Bill 116 titled ***Program Open Space – Attainment of Acquisition Goals-Local Government Apportionment and Use of Funds***. Senate Bill 116, as drafted, allows Counties that have attained their needed goal of recreational land to use up to 100% of the annual Program Open Space allocation on development projects. Allegany County's goal of 30 acres of recreation land per 1000 residents was accomplished many years ago. Just considering land belonging to the Department of Natural Resources (67,184 acres) and National Park Service (3,306 acres), the County comes close to having one acre of recreation land per person.

The current situation of reserving one quarter of the annual POS allocation for acquisitions underserves the municipalities and Local Sponsors who are providers of recreational opportunities and who request only development funds.

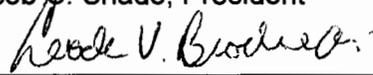
Thank you for your time and thoughtful consideration of this important piece of legislation.

Sincerely,

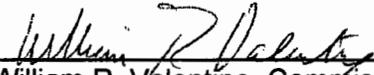
The Board of Commissioners of Allegany County



Jacob C. Shade, President



Crede V. Brodie, Jr., Commissioner



William R. Valentine, Commissioner

cc: The Honorable George C. Edwards



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State of the County January 1, 2016 – December 31, 2016

2016 was a challenging, yet productive year for the Board of County Commissioners of Allegany County.

Governor Hogan continues to support Allegany County. Secretaries of major state agencies and departments and their staff members have assisted Allegany County to obtain approval for highway entrances for commercial projects and grants to combat crime and drug addiction. The Governor and his staff helped to secure an additional \$3,500,000 for the new Allegany High School to add to the additional \$4,000,000 provided for this project by our Board.

FINANCIAL HIGHLIGHTS

Our Board of County Commissioners continued to adopt and apply a conservative approach to fiscal matters. Our Board remained committed to delivering core local government services in an efficient and equitable manner.

As widely reported, our Board implemented two tax lowering initiatives in 2016.

Real Estate Property Tax Rate: For the sixth consecutive year, the county commissioners reduced the real estate property tax by 1/10th of a cent by the adoption of the FY 2017 budget. Our Board's intent is to incrementally reduce the financial burden of Allegany County's property owners/taxpayers. Over the last six years this commitment to reduce the real estate property tax rate has put approximately \$840,000 back into the pockets of our taxpayers. Of the state's 24 jurisdictions, 13 now have higher real estate property tax rates than Allegany County.

Homestead Tax Credit: Effective July 1, 2016 the homestead tax credit was revised from seven percent to four percent. This action guarantees that no Allegany County homeowner will receive a year over year property tax assessment increase in excess of four percent. This action protected 216 property taxpayers in FY 2017.

Once again, our Board is very pleased to report that the county's Finance Department was a national award winner: The Certificate of Achievement for Excellence in Financial

Reporting. This is the highest form of recognition in the area of governmental accounting and financial reporting. It acknowledges the county's "spirit of full disclosure" to clearly communicate its financial position and demonstrates transparency. Nationally, only 29 percent of like-sized counties receive this award. 2016 marked the 24th consecutive year Allegany County has received this prestigious award.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

In 2016 our Board initiated the Community Enhancement Program. This initiative was designed to assist Allegany County's seven municipalities to address their specific community development needs in the areas of blight removal and commercial revitalization. In 2016 the county authorized projects for Barton, Cumberland, and Westernport totaling \$62,200.

As of December 31, 2016, a new 40,000 square foot shell building was nearing completion in the Barton Business Park. This new facility is designed for light manufacturing and fills a void in the county's asset offerings.

In addition, in 2016 construction began on a new access road for the Frostburg Business Park. This critical piece of infrastructure will provide access to approximately 20 additional acres of property and will support the continued development of this marketable property.

In 2016 our Board took steps to acquire a portion of the former Cumberland Chase property which is located across from the Barton Business Park on State Route 220. This property is in the largest piece of undeveloped Priority Funding Area in Allegany County.

Rocky Gap Casino Resort continued to attract visitors to Allegany County throughout all seasons of the year. The resort continues to generate record profits under private ownership. As a host community, Allegany County continues to receive local impact grant funds. These funds support the Allegany County Opportunity Scholarship, volunteer fire and EMS organizations, capital projects for the Board of Education and the county, bullet proof vests for local law enforcement agencies, and the Western Maryland Food Bank.

Commercial development continued in Allegany County in 2016. LaVale welcomed new businesses which included Cracker Barrel, Buffalo Wild Wings, and Sheetz.

DEPARTMENT OF PUBLIC WORKS

Water and Sewer

Providing clean and safe water to drink and to use in everyday activities is a key, primary function of local government. Our Utilities Division maintains 155 miles of water

lines and 195 miles of sewer lines. The infrastructure required to provide public water and sewer services is complex and expensive. Allegany County operates five wastewater treatment plants, eight water pumping stations, 22 waste water pumping stations, and has 11 water storage tanks.

In 2016 our Utilities Division worked on 12 million dollars of water and sewer projects. Allegany County aggressively pursued and secured favorable grant and loan packages for these projects.

As of December 31, 2016, there were three water and six sewer projects underway in design/construction. In 2016 two water and three sewer projects were completed in the areas of Barrelville, Bowling Green, Bedford Road, Evitts Creek, and Wrights Crossing, respectively.

Roads and Bridges

As previously reported, the county is responsible for maintaining 550 miles of roads and 140 bridges. In 2016 49 miles of road surfaces were completed. Three bridge design projects were started and three bridge repair projects were completed last year. Storm drains were replaced adjacent to county-owned roads in Cresaptown and Westernport.

The county continues to struggle financially from the redirection of highway funds in rural counties. As previously reported, the county fully endorses the Governor's plan to overturn the legislation adopted during the General Assembly's 2016 legislative session which was designed to further reduce road and bridge funding to rural counties throughout the state.

Unexpected Restoration Project

The county took formal steps in 2016 to address a massive landslide event in Woodcock Hollow. This slide impacted the Western Maryland Scenic Railroad and the Highlands Trail. All stabilization work is expected to be completed in the spring of 2017.

The county completed a home flood buyout and stream restoration project in Potomac Park and also constructed a new 4,200 square foot salt storage facility.

Recycling

Allegany County Government held its first-ever county-wide recycling event for residential electronics. This one week endeavor generated 73 tons of electronics. These items filled five tractor trailers.

ACCESS AND PARTICIPATION

Public business meetings continue to be provided live via webcasts and are recorded to be viewed later on You Tube.

Allegany County Government introduced a new website in 2016. This improved design provides increased interaction for the general public.

The tradition of taking public business meetings on-the-road continued as our Board of County Commissioners visited Mount Savage in November, 2016.

2016

Our Board of County Commissioners would like to remember several items.

2016 marked the 15th anniversary of nine eleven. In commemoration, hundreds of police escorted motorcycles traveled through Allegany County on Friday morning, August 19. The riders began in nearby Shanksville, Pennsylvania, travelled to the Pentagon in Washington, and ended at Ground Zero in New York.

Sheriff Craig A. Robertson was selected by WCBC to be the 2016 Person of the Year. Sheriff Robertson has spearheaded the educational component to attack the opioid addiction crisis in our community. In 2016 Allegany County had 267 total documented overdoses of which 44 resulted in death.

County Commissioner William M. Valentine became one of 25 members of the Commission on Innovation and Excellence in Education. This premier state commission was established by the Maryland General Assembly in 2016 and signed into law by Governor Hogan. Commissioner Valentine also started his third year on the Maryland Association of Counties (MACo) Board of Directors. He co-chairs MACo's Education Subcommittee. He also serves on MACo's Legislative Committee and the Initiatives Subcommittee.

County native and former major league baseball player and manager, Leo Mazzone, was honored by our Board. Mazzone had a stellar 40-year career in baseball from 1967 to 2007. Our Board designated opening day of the 2016 major league baseball in his honor.

In 2016 Allegany County welcomed the 15th President of Frostburg State University, Dr. Ronald Nowaczyk, and our Board welcomed Jenelle Mayer, M.P.H., as the county's new Health Officer.

Our Board wishes to publicly recognize the citizens of Allegany County. Thank you for your commitment to this community. By working hard, you contribute to the wellbeing of our community, you help your family members, friends and neighbors, you donate to charitable causes, you volunteer, and much more. Because of this, Allegany County is a wonderful place to live, work, and play.

In conclusion, we look forward to continuing to work with you to improve all aspects of our county. We want to recognize the contributions of county staff in 2016.

As we begin 2017, the county commissioners wish to affirm and emphasize our commitment and availability to all citizens and stakeholders. We appreciate your participation, value your viewpoints, and thank you for your on-going support of and interest in Allegany County. We wish one and all a happy, healthy, safe, and prosperous new year.