

April 26, 2018

The regular meeting of the County Commissioners of Allegany County was held in the Commissioners' Meeting Room, Allegany 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 Administrator Brandon S. Butler; and County Attorney William M. Rudd. The following business was transacted:

The Pledge of Allegiance was led by Danny Williams.

MOTION

Commissioner Valentine explained that Nicholas Ray Pryor, who was to receive an award from Sheriff Craig Robertson this evening, was unable to be present at this meeting. The Commissioners removed Item 1 – Allegany County Sheriff's Service Award to Nicholas Ray Pryor, from the Agenda and agreed to reschedule it for a future public business meeting.

There were no additional 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 April 12, 2018, public business meeting.

PRESENTATION

Item 2 – Allegany County Employee Health and Dental Insurance Presentation – Elizabeth Logsdon, CBIZ, introduced herself and then presented some proposals for possible changes to the County Employees' medical, prescription drug, and dental coverage.

County Administrator Brandon Butler acknowledged the work put in by both CBIZ and the County's Finance and Human Resources Directors and staff to obtain the proposals. He also remarked that the County will move forward with an actual contract when that time comes, and that this evening was just a presentation.

Item 3 – National Mental Health Month Proclamation – Ashley Lopez, Mental Health Coordinator, Behavioral Health System's Office, Allegany County Health Department, thanked the Commissioners for allowing her to be present this evening to recognize May as Mental Health Month in Allegany County. She presented some information regarding the County's Behavioral Health System's Office. Ms. Lopez also announced that on May 12, 2018, at 8 a.m., the Office will be holding its third annual Allegany County Mental Health Matters 5-Miler and 1.5 Mile Walk, beginning and ending at the Station Plaza at Canal Place. She provided some information about this event and directed those interested to the website for Queen City Striders, www.qcstriders.com.

Following Ms. Lozez' presentation, Commissioner Shade read and presented her with an official Proclamation of May 2018 as Mental Health Month in Allegany County. There was a round of applause.

PUBLIC HEARING

Item 4 – Fiscal Year 2019 Preliminary Budget Public Hearing – Jason M. Bennett, CPA, Director of Finance, presented the Allegany County Fiscal Year 2019 Preliminary Budget, a copy of which is available for viewing on the County's website and made a part of these Minutes by reference. Mr. Bennett pointed out that medical and dental coverage as presented earlier in the meeting have been incorporated in this Preliminary Budget.

Following his presentation, Mr. Bennett explained that public input will be taken on the entire budget at the next two public business meetings, May 10th and May 24th, and that additional details will be provided at those meetings also. Mr. Bennett thanked Amy Williams from his office for putting together the budget booklets he had available, and thanked Siera Wigfield for designing the cover. He announced that the entire budget document would be posted online right after the meeting, and that the Capital Improvement Program (CIP) would be presented at the May 10th meeting. Finally, he also announced that adoption of the Budget is slated for June 7, 2018.

Item 5 – Public Hearing for the 2018 Amendments to the 2016 Water and Sewer Plan – Siera N. Wigfield, Planner, provided some background regarding the County's Water and Sewer Plan, as set forth on her Staff Report dated April 4, 2018, a copy of which is attached to and made a part of these Minutes. Mrs. Wigfield pointed out that the Water and Sewer Plan is available on the County's website. The Water and Sewer Plan is also made a part of these Minutes by reference.

Mrs. Wigfield said that public comment would be taken at this hearing.

Commissioner Shade asked if there were any comments. Two persons spoke, as follows:

Attorney Robert (Bob) Paye, 21 Prospect Parkway, Cumberland, spoke on behalf of Terrapin Run, LLC. He explained that one of the proposed amendments to the Water and Sewer Plan is the deletion of a restriction in the Plan regarding Terrapin Run development. Attorney Paye offered some background information and details on the Terrapin Run Project and stated his support of the Water and Sewer Plan.

Mr. Kenneth Wilmont, 513 Fort Avenue, Cumberland, spoke against Terrapin Run development, and also against Laurelhurst development.

Following the comments, Commissioner Brodie asked if the Commissioners could take action this evening regarding the 2018 Amendments to the 2016 Water and Sewer Plan. Commissioner Shade confirmed that they could.

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and duly unanimously carried, the Board of Commissioners approved the 2018 Amendments to the 2016 Water and Sewer Plan.

ACTION AGENDA

Item 6 – Allegany County Washington Street Library Columns – Board of County Commissioners to authorize the Department of Public Works to publish a Request for Qualifications for the Washington Street Library Column Restoration Project – Adam Patterson, PE, Deputy Director of Public Works, discussed the Washington Street Library Column Restoration Project. The information he discussed is set forth on Mr. Patterson's Staff Report dated April 20, 2018, a copy of which is attached to and made a part of these Minutes. Mr. Patterson asked for the Commissioners' approval and authorization to proceed with advertisement for proposals for this Project.

Upon Motion made by Commissioner Valentine, seconded by Commissioner Brodie, and Motion duly carried, the Commissioners unanimously authorized the Department of Public Works to publish a Request for Qualifications for the Washington Street Library Column Restoration Project.

Item 7 – Request for Proposals for Laurelhurst Development – Board of County Commissioners to authorize staff to publish a Request for Proposals to solicit proposals from real estate developers for the development of nearly 390 acres of county-controlled land off of Laurelhurst Boulevard, near Rawlings, Maryland – Jeffrey S. Barclay, Director of Economic & Community Development, told the Commissioners that he was present to seek their authorization to publish a Request for Proposals (RFP) to solicit proposals from real estate developers for the development of nearly 390 acres of County-controlled land off of Laurelhurst Boulevard near Rawlings, Maryland. Mr. Barclay explained that Verizon is actively relocating six utility poles in the vicinity of the entrance, and the County's Public Works Department currently has the construction of the entrance out for bid, closing on May 8, 2018.

Commissioner Brodie moved that the Board of County Commissioners authorize staff to publish a Request for Proposals to solicit proposals from real estate developers for the development of nearly 390 acres of county-controlled land off of Laurelhurst Boulevard, near Rawlings, Maryland. Commissioner Valentine seconded the Motion, which passed unanimously.

Item 8 – Resolution 18-10 – Maryland Sick and Safe Leave Act – Board of County Commissioners to approve Resolution 18-10 to adopt the Sick and Safe Leave policy for employees who are not otherwise eligible for other leave earnings due to employment status – Brian P. Westfall, Human Resources Director, was unable to attend this meeting. Pamala Robinson, Benefits Coordinator with the Department of Human Resources, presented background and information regarding the Maryland Sick and Safe Leave Act, as set forth on the Staff Report of Brian Westfall dated March 29, 2018. A copy of this Staff Report is attached to and made a part of these Minutes.

Administrator Butler confirmed that, as Mrs. Robertson stated, the Sick and Safe Leave Policy is an unfunded mandate coming from Annapolis. He also pointed out that it is not just a mandate to County Government, but also to the County's small businesses, including those that came to Allegany to grow. Commissioner Shade added that he has been told it is impacting non-profits as well. Commissioner Brodie voiced his concerns with this policy and the adverse effect it will likely have on the workforce. He then asked what would happen if the County does not pass this. Administrator Butler explained that the County is held to the mandate no matter what. Commissioner Shade suggested that the Commissioners send a letter to the General Assembly voicing their concerns. Commissioner Brodie stated that he would not make a motion, second it, or

vote in favor of the Maryland Sick and Safe Leave Policy. Commissioner Shade said that in order to comply with Maryland State Law, he would make the Motion, and Commissioner Valentine said that he would second the Motion to comply with State Law.

Upon Motion by Commissioner Shade, and seconded by Commissioner Valentine, the Commissioners, by a vote of two to one, passed Resolution 18-10 to adopt the Sick and Safe Leave policy for employees who are not otherwise eligible for other leave earnings due to employment status.

VOTE: Passed 2 to 1

Commissioner Shade – Aye
Commissioner Valentine – Aye
Commissioner Brodie – Opposed

Item 9 – Cumberland Area Metropolitan Planning Organization Bylaw Adoption – Board of County Commissioners, acting as the Cumberland Area Metropolitan Planning Organization, to adopt the CAMPO Bylaws – Siera N. Wigfield, Planner, provided some background information for the Cumberland Area Metropolitan Planning Organization (CAMPO), which coordinates transportation planning in Allegany County. The information provided by Mrs. Wigfield is set forth in her Staff Report dated April 19, 2018, a copy of which is attached to and made a part of these Minutes. Mrs. Wigfield pointed out that CAMPO has never had a set of bylaws, and that MPO staff has drafted some bylaws and had them reviewed by the Technical Advisory Committee and also by the attorneys for the Maryland Department of Transportation. She asked the Commissioners, acting as the MPO Board, to adopt the CAMPO Bylaws.

Commissioner Brodie moved that the Board of County Commissioners, acting as the Cumberland Area Metropolitan Planning Organization (CAMPO), adopt the CAMPO Bylaws. Commissioner Valentine seconded the Motion. Motion passed unanimously to adopt the CAMPO Bylaws.

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 10 – Agricultural Land Preservation Board Appointment – Board of County Commissioners appointed Carl Robinette to serve on the Agricultural Land Preservation Board for a five-year term, with his term to expire on April 26, 2023.

Item 11 – Western Correctional Training Center at Allegany College Request to Advertise – Board of County Commissioners authorized the Department of Public Works to advertise for bids for a new Western Correctional Training Center at Allegany College.

Item 12 – Declaration of Surplus Vehicle – Board of County Commissioners authorized Allegany County Transit to declare International Transit Bus, Fleet # 303, VIN# 1HVBTAAL26H323176, as surplus and dispose of it according to County policy.

Item 13 – Declaration of Abandoned Vehicles – Board of County Commissioners authorized the Sheriff's Office to declare the following vehicles abandoned to be sold at public auction – a 2002 Honda Van VIN# 2HKRL186X2H556710, 2003 Honda Van VIN# 5FNRL18933B101790, 2003 Buick 4DR VIN# 2G4WB55K931168574, 2004 Honda Civic VIN# 2HGES15584H516426, 2001 Chevy Tahoe VIN# 1GNEK13T51R130761, 1998 Ford Escort VIN# 3FAKP1130WR273313, 2008 VW Passat VIN# WVVWUK73C88P003984, 2010 Lexus 4S VIN# JTHCF5023A504254, 2001 Mitsubishi Galant VIN# 4A3AA46G551E165010, 1999 Dodge Intrepid VIN# 2B3H056JIXH660950, 1987 Chevy Monte Carlo VIN#1G1GZ11G4HP152896, and a 1986 Chevy Monte Carlo VIN# 1G1GZ37G9GR142449.

County Attorney William Rudd remarked on the memorial service he attended for Judge James Getty at the Court of Special Appeals this Tuesday, April 24th. He commented that the service was well attended and very impressive. Attorney Rudd pointed out that at the age of 90, Judge Getty had been the oldest Judge to preside over an Appellate case in the State of Maryland. He also shared one of his memories of Judge Getty.

Commissioners' statements, comments, recognition –

Commissioner William R. Valentine commented that this has not been a totally bad year in Annapolis for Allegany County. He pointed out that a lot of legislation went through with the assistance of Delegate Buckel. Commissioner Valentine also reported on the status of the

County's and MACo's fight to regain Highway User Funds. He remarked that while the funds recovered are less than twenty (20%) percent of what the County received years ago, it is still a step in the right direction. Commissioner Valentine also reported that the legislation passed guarantees the funding for five years.

Commissioner Valentine also described new legislation pertaining to 911 systems, and talked about the Kirwan Commission, on which he serves. He reported that this year the Kirwan Commission made a recommendation to pass legislation, and an extra \$2,000,000 was made available through career training.

Commissioner Creade V. Brodie, Jr., expressed thanks to the Western Maryland Delegation (Senator Edwards, and Delegates Beitzel, Buckel and McKay) for a "job well done". He mentioned the ATV Bill that passed this Session and said that he would like to see something done on that as soon as possible, such as a Code Home Rule Bill. Commissioner Valentine suggested the possibility of dealers of ATVs performing inspections when an ATV is sold, instead of having all inspections done at the Sheriff's Office and putting the sticker for highway use on the vehicle at the time of sale. Commissioner Brodie remarked that he would first like to see what Garrett County is doing but agreed that was a good idea.

Commissioner Shade commended Pam Robinson and Jason Bennett on their very good job regarding the County's new contract for health and dental benefits.

Commissioner Shade also remarked on the Sick and Safe Leave Policy, saying that all it does is reduce the flexibility of what employers can do. He pointed out that a hit of \$50,000 is something that many small businesses will not be able to pay, and it will also make Allegany County less competitive with other states that don't have to comply with such a mandate.

Constituents – In order of sign-up sheet –

Mr. Danny Williams, of Mount Savage, thanked the Commissioners regarding the bridge in Mount Savage. He remarked that the Commissioners, Adam Patterson, and Paul Kahl made the project possible. Mr. Williams reported that he spoke with Mr. MacMillan, and that as of tomorrow (April 27, 2018) work on the bridge will be complete, and it will be open for traffic. He asked the Commissioners to relay his thanks to Mr. MacMillan, remarking on the great job he did on the bridge along with his phenomenal crew.

The Commissioners thanked Mr. Williams for his remarks.

Mr. Kenneth Wilmont, of 513 Fort Avenue, Cumberland, again spoke against Terrapin Run and Laurelhurst.

Reminders/Upcoming Meetings

Next Public Business Meeting – Thursday, May 10, 2018, 5:00 p.m.

Announcement – Allegany County FY 2019 Budget Schedule (See News Release)

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 6:15 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary



ALLEGANY COUNTY DEPARTMENT OF PUBLIC WORKS

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Item 5

BOARD OF COUNTY COMMISSIONERS

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

Director of Public Works
Adam Patterson, P.E.
Deputy Director

STAFF REPORT

TO: Brandon S. Butler, County Administrator
FROM: Paul Kahl, P.E., Director of Public Works,
Siera Wigfield, Transportation Planner *SNW*
DATE: April 4, 2018
RE: 2018 Amendments of the 2016 Allegany County Water & Sewer Plan Public
Hearing

For the Agenda of April 26, 2018

1. BACKGROUND

As required by COMAR, Allegany County is required to update its Water & Sewer Plan. Allegany County most recently performed a comprehensive Plan update in May 19, 2016, followed by MDE Modifications and Approval on December 31, 2016. In October 2017, stakeholders were contacted seeking information to amend the plan. The 2018 Amendments of the 2016 Water and Sewer plan have been approved by the Allegany County Planning Commission on March 28, 2018. The next step in the approval process is a Public Hearing on April 26, 2018. On this day, if the Commissioners may choose to seek passage of a resolution from the Board of County Commissioners to adopt the 2018 Amendments of the 2016 Allegany County Water & Sewerage Plan. Resolution 18-9 has been drafted and attached herein for consideration of the Board of County Commissioners.

2. ISSUES

N/A

3. FINANCIAL IMPACT

N/A

4. ALTERNATIVES

Do not adopt the 2016 Water and Sewer Plan

5. OTHER CONSIDERATIONS

N/A

6. CONFORMITY TO COUNTY POLICY

This conforms to County policy and applicable COMAR regulations, as well.

7. RECOMMENDATION

Hold a public hearing on April 26, 2018 for the 2018 Amendments of 2016 Allegany County Water & Sewer Plan.

Attachments (Resolution 18-9)

cc: Paul Kahl, P.E. – Director of Public Works
Mark W. Yoder, P.E. – Utilities Division Chief

RESOLUTION 18-9

WHEREAS, the Board of County Commissioners of Allegany County, Maryland, are required by Act of Legislature of the State of Maryland to prepare and update a Water and Sewer Plan in accordance with Title 9, Subtitle 5, of the Environment Article of the Annotated Code of Maryland; and

WHEREAS, the County Commissioners of Allegany County did previously pass Resolution 16-13 to adopt the 2016 Allegany County Water and Sewer Plan on May 19, 2016 subsequent to necessary preparation and public hearing; and

WHEREAS, the County Commissioners of Allegany County desire to revise and update said Water and Sewer Plan; and

WHEREAS, the Plan was written in conformance to the Code of Maryland Regulation, Title 26, Subtitle 3, and incorporates existing and planned water and sewer development of Allegany County and the towns, municipal incorporations, privately owned facilities, and State facilities within the County; and

WHEREAS, the Plan was reviewed and unanimously endorsed by the Allegany County Planning Commission on March 28, 2018; and

WHEREAS, the County Commissioners of Allegany County did in accordance with the prescribed procedures advertise and hold a public hearing to revise said Plan on April 26, 2018.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED that the Board of County Commissioners of Allegany County in accordance with the requirements of Title 9, Subtitle 5, Environment Article of the Annotated Code of Maryland, by proper motion and second in public meeting on April 26, 2018 do hereby adopt the 2018 Amendments of the 2016 Allegany County Water and Sewer Plan and direct that copies of this Resolution and copies of the 2018 Amendments of the 2016 Allegany County Water and Sewer Plan be made a part of the minutes of their regular meeting on April 26, 2018.

ADOPTED by the Board of County Commissioners of Allegany County, Maryland on April 26, 2018.

COUNTY COMMISSIONERS OF ALLEGANY COUNTY, MD

Jacob C. Shade, President

Creade V. Brodie, Commissioner

William R. Valentine, Commissioner

ATTEST:

Brandon S. Butler, County Administrator



ALLEGANY COUNTY DEPARTMENT OF PUBLIC WORKS

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BOARD OF COMMISSIONERS

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

Paul F. Kahl, P.E.
Director of Public Works
Adam Patterson, P.E.
County Engineer

STAFF REPORT

TO: Brandon S. Butler, Esq., County Administrator *Butler*
FROM: Adam Patterson, P.E., County Engineer
CC: Paul Kahl, P.E., Director of Public Works *PK*
DATE: April 20, 2018
RE: Washington Street Library Column Restoration Project

For the Agenda of: April 26, 2018 Public Meeting

1. BACKGROUND

The County owns the Washington Street Library on Washington Street in Cumberland. Six (6) existing Doric columns on the front of the original building and two (2) Ionic columns on the addition are in need of restoration. The columns were last painted in 2003 and unfortunately, the existing paint system did not meet its life expectancy. The Engineering Division has been working to develop an approach to restore these eight (8) columns. The Engineering Division recommends issuing a request for interest in the project. This would allow interested companies to learn about the methodology that is required for the column restoration and allow the County to qualify interested companies based on similar work experience. We feel that it is necessary to qualify firms due to the significant historical nature of the 169-year-old Doric columns. Interested, qualified companies would then be invited to provide a cost proposal for the column restoration project.

The County is ready to proceed with soliciting interest in the project with the goal of completing construction before Winter 2018.

2. ISSUES

N/A

3. FINANCIAL IMPACT

Allegany County previously obligated \$150,000 during the Fiscal Year 2017 Capital Improvement Program update.

4. **ALTERNATIVES**

Do not proceed with advertisement of the project.

5. **OTHER CONSIDERATIONS**

N/A

6. **CONFORMITY TO COUNTY POLICY**

Conforms to County policy.

7. **RECOMMENDATION**

Authorize the Department of Public Works to proceed with advertisement for proposals for the Washington Street Library Column Restoration Project.

cc: File