

September 6, 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; and County Administrator Brandon S. Butler. The following business was transacted:

The Pledge of Allegiance was led by 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 23, 2018, public business meeting.

Before continuing with the Agenda, Commissioner Shade called forward Dr. Cynthia Bambara, President of Allegany College of Maryland, and Mr. Kim Leonard, Chair of the Board of Trustees for Allegany College of Maryland, for a special announcement regarding ACM's new technology building. Commissioner Shade remarked on the great impact this project should have on ACM's students, both present and future. He reported that the Commissioners were able to find about \$4 million in their budget to contribute toward the technology building project.

Dr. Cynthia Bambara expressed her thanks on behalf of Allegany College of Maryland, and then read from a prepared statement providing details about the technology building project. A copy of her statement is attached to and made a part of these Minutes.

Following Dr. Bambara's remarks, Commissioner Shade explained that the County Commissioners' contribution of \$4 million will be matched through the state. He pointed out that the total cost of the project will be close to \$15 million.

PRESENTATION

Item 1 – September 11, 2001 Remembrance Day – Department of Emergency Services. Mr. Steve Shipley, Chief of Emergency Management for Allegany County, came forward at Commissioner Brodie's request and introduced first himself, then Ms. Carrie Hughes, a Supervisor at the County's 911 Center; Mr. Dan Seemer, a Paramedic with the County; Mr. Danny Williams, Chief of the Fire Police for Allegany County; and Mr. Jonathan Dayton, also a member of the Fire Police as well as a member of Potomac Fire Company.

Mr. Shipley spoke about the events and images of September 11, 2001 and commented on the continuing impact this day has had on our Country. He acknowledged the great efforts of the County's first responder community, including fire, law enforcement, EMS, 911 dispatch, and a host of community volunteer organizations, commenting that they work tirelessly and selflessly for the safety and well-being of the citizens of Allegany County. Mr. Shipley thanked the County Commissioners for continuing to remember 9-11, and for the day-in, day-out support they give to fire and EMS organizations throughout the County.

Following Mr. Shipley's remarks, Commissioner Shade read and presented the Commissioners' Official Proclamation of September 11, 2018, as Remembrance Day in Allegany County. A round of applause followed.

Item 2 – Elks National Patriotism Week Proclamation – Robert Rephan, Jr., Exalted Ruler, Frostburg Lodge #470, BPOE, came forward to offer his remarks. Mr. Rephan reminded everyone that the Elks is 150 years old this year, and that patriotism is one of their foundations. Mr. Rephan discussed some of the activities of the Elks, all starting with the Pledge of Allegiance, including their Flag Day Ceremony and a recent Flag Retirement Ceremony,

After calling forward the rest of the Elks members present at this meeting, Commissioner Shade read and presented the Commissioners' Official Proclamation of September 10 through 16, 2018, as National Patriotism Week in Allegany County.

Following presentation of the Proclamation, Mr. Rephan presented the Commissioners with flag lapel pins. There was a round of applause.

Item 3 – National Recovery Month Proclamation, September 2018 – Mike Bice, Allegany County Health Department, Behavioral Health Division Supervisor, started by thanking the Board of County Commissioners for recognizing National Recovery Month. Mr. Bice explained that September is National Recovery Month, and each year it has a different theme. He also talked about the Health Department’s Recovery Walk, held annually at the track at Allegany College of Maryland. Mr. Bice added that each year, the County Commissioners present the Health Department with a Proclamation in recognition of National Recovery Month. He then discussed the background and purpose of National Recovery Month, and provided some details about the annual Recovery Walk. Mr. Bice thanked the Commissioners, in particular Commissioner Valentine for his participation in the Walk each year, and also thanked Sheriff Robertson for his participation in the Walk.

At the conclusion of Mr. Bice’s remarks, Commissioner Shade read and presented him with the Official Proclamation of September 2018 as National Recovery Month in Allegany County, followed by a round of applause.

PUBLIC HEARING

Item 4 – Code Home Rule Bill 4-18 – Public Hearing– “All Terrain Vehicles on Public Roads in Allegany County” – William M. Rudd, County Attorney. County Administration Brandon S. Butler, standing in for County Attorney William M. Rudd, reminded the Commissioners that Code Home Rule Bill 4-18 was introduced at the last public business meeting held on August 23, 2018. He provided a brief synopsis of the Bill. A copy of Code Home Rule Bill 4-18 – “All Terrain Vehicles on Public Roads in Allegany County” is attached to and made a part of these Minutes. Mr. Butler pointed out that Code Home Rule Bill 4-18 is very similar to legislation that Garrett County already has on their books and in operation.

Upon opening of the public hearing on Code Home Rule Bill 4-18 – “All Terrain Vehicles on Public Roads in Allegany County”, the following persons came forward to speak:

Mr. Kenneth Wilmont, of Cumberland, stated that he was one hundred percent against 4-wheelers on public roads, and he urged the Board of County Commissioners not to approve and not to adopt Code Home Rule Bill 4-18.

Mr. Bill Jewell, of LaVale, spoke in agreement with Code Home Rule Bill 4-18. Mr. Jewel commented that he is the owner of a UTV which he wants to use to plow during the winter months.

Following Mr. Jewell’s remarks, Commissioner Brodie pointed out that unfortunately the County’s Code Home Rule Bill covers use of ATVs and UTVs on County roads only, and not State roads. Commissioner Brodie also announced that on September 17, 2018, at Mt. Savage Fire Hall at 6:30 p.m., Sheriff Craig Robertson will hold a Town Hall Meeting on ATVs, which will be the first in a series of such meetings.

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and duly carried, the Board of County Commissioners approved and adopted Code Home Rule 4-18 - “All Terrain Vehicles on Public Roads in Allegany County”.

After action was taken on this Item, someone in the last row of the audience asked Mr. Butler to read the purpose of Code Home Rule Bill 4-18, which Mr. Butler did. Commissioner Shade then confirmed that time for public comment on Code Home Rule Bill 4-18 had passed and that no further comment would be taken.

ACTION AGENDA

Item 5 – Road Opening Petition – Possible Action – Christopher L. Owens, Teresa M. Owens, Frances Ann Hixon, Kathy L. Robinette, Genevieve Yonker, and Magnolia Greene Limited Partnership – The road opening petition is with the intent of closing a certain portion of an unnamed public alley shown on the plat of “Lands of Lewis Heirs and Lewis First Addition” and intersecting the easterly side of Winchester Road in Election District 29, Allegany County, Maryland – Stephen C. Wilkinson, LLC, and Saad & Saad, LLP, Star Title Agency, LLC. Commissioner Shade confirmed that the public hearing was held on this, but said that because he had some questions, and the County Attorney was not present, he would like to table Item 5 – Road Opening Petition until a future public business meeting. He asked if the other County Commissioners had any objection to tabling the item.

Commissioner Shade moved that Item 5 - Road Opening Petition – Possible Action – Christopher L. Owens, Teresa M. Owens, Frances Ann Hixon, Kathy L. Robinette, Genevieve Yonker, and Magnolia Greene Limited Partnership be tabled to a future Commissioners public business meeting. Commissioner Brodie seconded the Motion. Motion carried to table Item 5 – Road Opening Petition.

Item 6 – Local Management Board of Allegany County, Inc. – Board of County Commissioners to sign the Community Partnership Agreement for Fiscal Year 2019 between the State of Maryland, acting by and through the Children’s Cabinet, and Allegany County, acting by and through the Local Management Board – Lesa A. Diehl, Director, Allegany County Health Department Mental Health System’s Office, and Renee Kniseley, Local Management Board Director. Ms. Lesa A. Diehl, Director of the Allegany County Health Department Health System’s Office, presented for the Commissioners’ consideration the Community Partnership Agreement between the State of Maryland, the Governor’s Office for Children, and the Local Management Board. She explained that this Agreement is part of an annual process to obtain funding for children and family services.

Upon Motion made by Commissioner Valentine, and seconded by Commissioner Brodie, the Board of County Commissioners agreed to sign the Community Partnership Agreement for Fiscal Year 2019 between the State of Maryland, acting by and through the Children’s Cabinet, and Allegany County, acting by and through the Local Management Board.

Item 7 – Allegany County Transit Taskforce – Board of County Commissioners to approve the members of the Allegany County Transit Taskforce – Brandon S. Butler, Esq., County Administrator, reminded the Commissioners that they previously passed a Resolution to authorize the Allegany County Transit Taskforce. He explained that this evening he was requesting the Commissioners’ approval of the membership of the Taskforce. Mr. Butler listed the following proposed members of the Allegany County Transit Taskforce:

Transportation providers:

Elizabeth Robison-Harper, County Transit Chief
Jade Washington, Maryland Access Point
Destiny Swandol, Mobility Management

Western Maryland Health System:

Nancy Forlifer
Jo Wilson

Human Service Providers:

Wendolyn McKenzie, HRDC
Paul Smith, Western Maryland Consortium
Courtney Thomas Winterberg, Department of Social Services

Educational Partners:

Al Delia, VP - Regional Development & Engagement, Frostburg State University
Heather Grim, Allegany College of Maryland – WEX Program
David Jones, VP – Advancement & Community Relations,
Allegany College of Maryland

Business Entities:

Lisa McIndoe, Hunter Douglas
Stu Czapski, Allegany County Chamber of Commerce

Mr. Butler added that he also has an “ask out” to a representative of Aspira in Frostburg, but has not been able to confirm that member yet.

Mr. Butler commented to the Commissioners that he truly believed, with this group of members as proposed, the Transit Taskforce will be able to provide the Commissioners with some solutions. He then asked the Commissioners’ permission to serve as Chair of the Taskforce.

Commissioner Brodie moved that the Board of County Commissioners approve the members of the Allegany County Transit Taskforce. Commissioner Valentine seconded the Motion. Motion carried to approve the members of the Allegany County Transit Taskforce as presented by County Administrator Butler.

Item 8 – Office of Community Services Approval of Job Descriptions – Board of County Commissioners to approve the job descriptions for the positions of Chief of the Office of Community Services, Workforce Development Specialist, and Grants Writer – Brandon S. Butler, Esq., County Administrator, talked about the purposes and responsibilities of the positions to be filled in the newly established Office of Community Services: Chief of the Office of Community Services, Workforce Development Specialist, and Grants Writer. Mr. Butler confirmed that, per the

Resolution passed, these three positions are reportable to him as County Administrator. He asked the Commissioners for their approval of these new positions.

Upon Motion by Commissioner Valentine, seconded by Commissioner Brodie, and duly carried, the Board of County Commissioners approved the job descriptions for the positions of Chief of the Office of Community Services, Workforce Development Specialist, and Grants Writer.

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 9 – Memorandum of Understanding with Allegheny Highlands Trails of Maryland, Inc., – Board of County Commissioners authorized the Commission President to execute an agreement for the establishment of a bench program along the Great Allegheny Passage – Brandon S. Butler, Esq., County Administrator.

Item 10 – Allegany County Board of Zoning Appeals Appointment – Board of County Commissioners approved the appointment of Brian Alderton to fill the vacant alternate position on the Allegany County Board of Zoning Appeals. His term will expire on September 25, 2020.

Item 11 – Resolution 18-27 – Revisions to the “Rules and Regulations Governing Employees of Allegany County, Maryland” – Board of County Commissioners approved and passed Resolution 18-27 to revise and update the “Rules and Regulations Governing Employees of Allegany County, Maryland.”

County Administrator Brandon S. Butler discussed the Community Enhancement Program, which has been providing funding for the County’s municipalities, in particular related to blight. He reported that the policy and guidelines for this Program have essentially been changed to assist municipalities in enriching communities through investments in infrastructure needs. Mr. Butler explained that with these changes, the County can now provide municipalities with up to \$15,000 for infrastructure enhancements by utilizing the Community Enhancement Program. He went on to say that since this was a simple policy change which did not have to go through a public business meeting, he wanted to make the announcement this evening. Mr. Butler added that letters will be going out to the County’s municipalities to let them know of the change, so that the County can hopefully help out with some projects.

County Administrator Butler then brought up a comment that was made at the previous public business meeting regarding economic development. He said that he wanted to bring this comment to the public’s attention. Mr. Butler explained that a “wonderful” study was done, the I-68 Regional Economic Partnership Study, in conjunction with the Greater Cumberland Committee and Allegany County’s partners in Garrett County. He explained that the comment was that fifty-one percent (51%) of Allegany County’s citizens leave this County for work. Mr. Butler stated that comment “is absolutely false”, and added that, according to the latest numbers available, thirty-four percent (34%) of the County’s residents commute to jobs outside of the County, with most of those in Mineral County, literally right across the Potomac River at ATK. Mr. Butler went on to say that according to the I-68 Regional Economic Partnership Study, 9,540 people from outside Allegany County actually commute into the County on a daily basis.

Commissioners’ statements, comments, recognition –

Commissioner Creade V. Brodie, Jr. commented on the feasibility study he reviewed this week and called to discuss with Mr. Butler. Commissioner Brodie explained that the study indicates Allegany County is the number one county in the State of Maryland regarding citizens who both live and work in the same county. He pointed out that this puts Allegany County ahead of Montgomery County.

Commissioner William R. Valentine added that Allegany County also places high on the list for home ownership.

Commissioner Valentine reported on the Kirwan Commission meeting he attended the previous day. He remarked that this Commission’s work was to have been completed last year but is still dragging on, and is now supposed to wrap up by November of this year. Commissioner Valentine confirmed that the Commission’s recommendations are going to be very, very expensive; and while no numbers are yet available, he would estimate the total at billions of dollars. He added that actual dollar figures are supposed to be available at the Commission’s next meeting on September 21, 2018.

Commissioner Brodie thanked Sheriff Craig Robertson for his help with the ATV-UTV Bill, and for

getting the information on it out to the public. Commissioner Brodie talked about a misconception regarding the Bill. He explained that first of all, municipalities are not part of the new legislation. If any municipality wants to adopt legislation regarding ATVs and UTVs on its roads, it has to adopt its own laws. Commissioner Brodie told Sheriff Robertson that he would attend the meeting the Sheriff is holding in Mount Savage to help explain this.

Constituents – In order of sign-up sheet (No one spoke)

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, September 20, 2018, 5:00 p.m.

Announcements –

National Preparedness Month, September 2018
Disasters Happen. Prepare Now. Learn How. (See Attachments)
Week 1: Make and Practice Your Plan
Week 1: Make an Emergency Supplies Kit
Week 2: Learn Life Saving Measures UNTIL HELP ARRIVES
Week 2: FIRES & FLOODS

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:45 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary

Allegany County Commissioners Meeting

Dr. Bambara Comments

September 6, 2018

Allegany County's future depends on its ability to have an educated, skilled workforce, and Allegany College of Maryland is committed, as an educational partner, to meet this need.

The technology building renovation enhances economic opportunities, for our citizens, for our communities, and for our families by supporting education, job training and career preparation. The building is reflective of the core values of our community – our belief that education transforms lives.

Allegany College of Maryland works collaboratively to better economic development opportunities and provide the education, job training and career preparation services needed by our residents.

The technology building will be a flagship building on our campus. One that will draw new enrollments, offer cutting-edge New Collar programs, and prepare graduates to be technologically competent and ready for employment.

The building will house the new Allegany County Public Schools/ACM PTECH/Cybersecurity collaboration. An innovative partnership to prepare more students for well-paying, in-demand jobs. Sustainable jobs.

Programs in the building will also support the Western Maryland IT Center of Excellence: a collaboration between ACM and local businesses, including:

- IBM,
- Advantage Computer & Communications,
- Rocky Gap,
- Conxx Smart Technology Solutions,
- Willetts Tech,
- Western Maryland Health System,
- First United,
- Northrop Grumman,
- Exclamation Labs, and
- Berkeley Springs Instruments.

Our partnership with Allegany County goes well beyond that of a funder-fundee relationship. We continue to be ever-mindful of our community charge—the trust you’ve placed in us—as a higher education institution of value and impact.

At ACM, we improve people’s lives and their economic futures.

Our College’s documented economic impact, shown by external research entities, is powerful, but the real impact takes place each and every day in the classroom through the lives that are being transformed.

On behalf our entire College Community, we thank the Allegany County Board of Commissioners for your vision. For your investment. For your continued partnership to make our community even better.

**CODE HOME RULE
BILL NO. 4-18**

A Bill Entitled:

“All Terrain Vehicles on Public Roads in Allegany County”

**“AN ACT AUTHORIZING A PERSON UNDER SPECIFIED CONDITIONS TO
CROSS A HIGHWAY OR OPERATE AN ALL-TERRAIN VEHICLE OR
SNOWMOBILE ON A DESIGNATED PORTION OF A
HIGHWAY IN ALLEGANY COUNTY”**

SECTION I.

WHEREAS, Senate Bill 644 of the Laws of Maryland 2018 was passed by the General Assembly amending a portion of Transportation Article 21-104.1 and 25-102 of the Annotated Code of Maryland, authorizing a person to cross a highway on an all-terrain vehicle or snowmobile or to operate an all-terrain vehicle or snowmobile on certain designated portions of highways under the jurisdiction of Allegany County; and

WHEREAS, the Board of County Commissioners of Allegany County wish to exercise the authority granted by the Maryland Legislature in Senate Bill 644.

NOW, THEREFORE, the Board of County Commissioners of Allegany County, Maryland, hereby enacts Article III of Chapter 520 of the *Code of Public Local Laws of Allegany County, Maryland (2011 Edition, as amended)*, entitled “All-Terrain Vehicles Being Operated on Public Roads”, said Article III to read as follows:

SECTION II.

**Chapter 520
Vehicles and Traffic**

ARTICLE III

All-Terrain Vehicles on Public Roads

§ 520-8. Definitions.

As used in this Article, the following terms shall have the following meanings:

- A. "ALL-TERRAIN VEHICLE (ATV)" means a motorized vehicle designed for and capable of cross-country travel on land, water, snow, ice, marsh, swampland, or other natural terrain.

“All-Terrain Vehicle (ATV)” includes

- 1) a four-wheel-drive or low-pressure vehicle;
- 2) motorcycle unrelated to wheeled vehicle;

- 3) amphibious machine;
 - 4) snowmobile;
 - 5) utility task vehicle (UTV)
- B. "COUNTY" means Board of County Commissioners of Allegany County, Maryland.
- C. "PUBLIC ROAD" includes all public roads in the Allegany County road inventory exclusive of municipal roads and State highways.
- D. "R.O.P.S." means Rollover Protection System.

§ 520-9. Operation of All-Terrain Vehicle on Public Roads.

- 1) A person may operate an All-Terrain Vehicle as defined in this Article on not more than two (2) miles of a Public Road designated by the County at a speed of not more than twenty-five (25) miles per hour for the sole purpose of gaining access to trails on which the operation of an All-Terrain Vehicle is authorized, or to a field, or to another area where the operation of an All-Terrain Vehicle is authorized.
- 2) A person may operate an All-Terrain Vehicle to cross a highway at a right angle at a speed of not more than twenty-five (25) miles per hour.
- 3) A person operating an All-Terrain Vehicle in accordance with this Article shall be subject to the following specific terms and conditions:
 - a) All applicable speed limits. Operators are put on notice that they are responsible for abiding by twenty-five (25) miles per hour speed limit, even if their vehicle is not equipped with an operable speedometer.
 - b) All-Terrain Vehicles may be operated on a County roadway for a distance not to exceed two (2) miles.
 - c) The County may by Resolution close or restrict any specific roads to All-Terrain Vehicle use.
 - d) Subject to the regulations contained in this Article, only All-Terrain Vehicles as defined by the Transportation Article of the Annotated Code of Maryland are hereby allowed on Public Roads in accordance with this Article.
 - e) All-Terrain Vehicles must be registered every year and pay a registration fee as set forth by the County to operate on County roadways. The registration sticker must be placed prominently on the rear of the vehicle.
 - f) All-Terrain Vehicle operators must have proof of valid liability insurance covering the vehicle.
 - g) All-Terrain Vehicle operators must possess a valid driver's license or be eligible for a driver's license.

- h) Helmets required. Unless the ATV is equipped with a factory R.O.P.S., the operator or passenger of the ATV will not operate on any portion of the roadway unless the operator and passengers are wearing protective headgear that meets the standards established by the Maryland Transportation Administration. In such cases where the ATV is equipped with a factory R.O.P.S., the operator and passengers will utilize the factory seatbelts when operating the ATV on any portion of the roadway.
- i) No passengers are permitted on single-seat All-Terrain Vehicles. Passengers on all other All-Terrain Vehicles are limited to the number of manufacturer-installed passenger seats of the vehicle.
- j) All-Terrain Vehicles must have at least an operating brake light and headlight when in operation on County roadways.
- k) All-Terrain Vehicles must have an operating braking system allowing the operator to safely control the vehicle.
- l) All-Terrain Vehicles must travel single-file on the right-hand shoulder of the extreme right-hand side of the roadway, and left-hand turns may be made from any part of the road if it is safe to do so under the prevailing conditions.
- m) Failure to abide by any of the above conditions contained in this Article when operating an All-Terrain Vehicle on County roadways shall constitute a violation of this ordinance.

§ 520-10. Reciprocity.

A person possessing a valid ATV permit from Garrett County may operate an ATV upon County Roads in accordance with this Article, as long as the registration is valid and the person abides by all the terms and conditions of this Article. Reciprocity will also be granted to Washington County in the event that Washington County obtains authorization from the Legislature and enacts a registration and regulation scheme similar to that of Allegany County and Garrett County.

§ 520-11. Violations and penalties.

The following fines and penalties shall apply for any violation of this Article:

- 1) First violation, One hundred dollars (\$100.00).
- 2) Second violation, Two hundred fifty dollars (\$250.00) and a sixty (60) day suspension from using All-Terrain Vehicles on County roadways.
- 3) Third violation, Five hundred dollars (\$500.00) and a one (1) year suspension from using All-Terrain Vehicles on County roadways.

A violation of this Article shall be considered a civil infraction in accordance with Maryland law.

§ 520-12. Regulation.

The County may from time to time by regulation establish the manner of registration of All-Terrain Vehicles and the fees for registration of All-Terrain Vehicles.

SECTION III.

All other provisions of the *Code of Public Local Laws of Allegany County, Maryland (2011 Edition, as amended)*, ordinances, regulations, and orders, or parts thereof, inconsistent with the terms and provisions of this Bill, are hereby repealed.

SECTION IV.

AND BE IT FURTHER ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ALLEGANY COUNTY, MARYLAND, that this Act shall become effective 45 days from date of passage.

PASSED this ____ day of _____, 2018.

**BOARD OF COUNTY COMMISSIONERS
OF ALLEGANY COUNTY, MARYLAND**

Jacob C. Shade, President

Creade V. Brodie, Jr., Commissioner

ATTEST:

William R. Valentine, Commissioner

Brandon S. Butler, County Administrator

CERTIFICATION

I, Brandon S. Butler, County Administrator and Clerk to the County Commissioners of Allegany County, Maryland, hereby certify that the above action of the Commissioners is a part of the formal, written record of the public meeting on the ____ day of _____, 2018.

Brandon S. Butler, County Administrator

S E A L