

BOARD OF GARRETT COUNTY COMMISSIONERS
PUBLIC MEETING
December 21, 2010

IN ATTENDANCE

Chairman Gregan T. Crawford
Commissioner Robert G. Gatto
Commissioner James M. Raley

County Administrator R. Lamont Pagenhardt

CALL TO ORDER OF PUBLIC SESSION

PRAYER & PLEDGE OF ALLEGIANCE

PUBLIC SESSION

1. Additions/deletions to Public Meeting Agenda. Mr. Pagenhardt indicated there no additions or deletions for the December 21, 2010 Public Meeting. Mr. Pagenhardt also noted several matters to be discussed during the administrative and executive sessions on this date.
2. The Board of County Commissioners discussed possible official action regarding adding a provision to and amending the County Comprehensive Plan for ridgeline protection. John Nelson, Director, Department of Planning and Land Development was in attendance and explained the process that the Planning Commission and the Board would follow. Mr. Nelson recommended that the Board meet with the Planning Commission to establish the official intent of the Board. Commissioner Raley entered a motion to refer this matter, as discussed, to the Planning Commission to initiate the required public hearing/review process, which was seconded by Commissioner Gatto, and made unanimous by Chairman Crawford.
3. At the request of Chairman Crawford, Nathaniel Watkins, Director, Department of Information Technology briefed the Board of County Commissioners on the availability of web streaming the Board of County Commissioners' Public Meetings. Mr. Watkins reviewed the technical setup and cost estimates for required purchases and annual cost. The Board will take this matter under advisement.
4. Ted "Dusty" Kitzmiller voiced his opinion on pending litigation between himself and the Board of County Commissioners for a violation of the County Junkyard Ordinance. The Board of County Commissioners informed Mr. Kitzmiller that there is a scheduled court date for the violation. Mr. Nelson; County Attorney Gorman Getty; and Mark Weber, Licensing and Enforcement Inspector were in attendance for this session. Mr. Kitzmiller asked the Board if they intended to proceed with scheduled legal proceedings. Chairman Crawford advised Mr. Kitzmiller that the Board would not comment on pending litigation but did request that Mr. Getty address the Board and Mr. Kitzmiller on the history of the complaint and legal proceedings to date.

Ron Unger also addressed the Board and voiced his opinion on the Garrett County Court System as it relates to his experience with similar complaints filed against Mr. Kitzmiller.

5. Carol Riley-Alexander, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the meeting and committee schedule for the forthcoming week.
6. The Board of County Commissioners conducted their annual Legislative Session with Senator George Edwards and Delegate Wendell Beitzel (the Delegation) to present and review requested legislative matters for consideration by the Maryland General Assembly during the 2011 Session. These matters are as follows:
 - a) A request by the Board of County Commissioners that the Maryland General Assembly amend Maryland Annotated Code Article § 14-813, Notice by Advertising; Expense a Lien on Property to amend this Article by adding Garrett County to (e) Expenses of sale (2), (i); to amend this Article by adding Garrett County to (e) Expenses of sale (2), (v); and amend this Article by deleting “the county treasurer” and add “Supervisor of Tax Collection” under (f) Form of Advertisement in Garrett County; examination of title.
 - b) A request by the Board of County Commissioners that the Maryland General Assembly provide the Board with enabling authority to amend the Code of Ordinances for Garrett County, Maryland under §30.02 County Commissioner Districts; Procedures for Election and Vacancies, (D) Vacancies to be consistent with the Maryland Annotated Code Article 25:

In general, in the case any office of county commissioner shall become vacant in any county by death, resignation or otherwise, the Governor shall nominate or appoint the person to fill such vacancy whose name shall be submitted to the Governor in writing by the Central Committee of the political party with which the County Commissioner, so vacating, has been affiliated provided that the nominee or appointee shall be of the same political party and voting district as the person whose office is to be filled. All of provisions of the act shall be consistent the Maryland Annotated Code Article 25.

Discussion on possible legislation:

- Local preference for fire protection acknowledged in Model Performance Code - Public Safety Article 12-301 – 12-313. (This is related to sprinkler systems for modular homes.)
- Request legislative authority to adopt a noise ordinance and nuisance ordinance.
- Request legislative authority to establish set back and decommissioning requirements.
- Request that the Maryland General Assembly repeal current law that removed regulatory control by the Maryland Public Service Commission for wind generation projects under 70 megawatts.
- Request that the Maryland General Assembly amend current law to allow all Deep Creek Lake dock fees collected (not 25% as presently written) be retained by the County to be directed to environmental improvements at Deep Creek Lake.
- Request that the Maryland General Assembly amend current law to mandate a percentage of the Bay Restoration Fee collected be retained by the County and restricted to environmental improvement at Deep Creek Lake.

Public commentary:

- Interested persons requested that the Board, Senator Edwards, and Delegate Beitzel support the availability of Maryland/DC television stations to local cable companies and satellite service providers and lobby the FCC to amend current policy. Senator Edwards recommended that the change in service be directed to federal representatives in the House and Senate.
- Friends of Deep Creek Lake Director Barbara Beelar encouraged the Board and the Delegation to continue to communicate with the State of Maryland Department of Natural Resources on funding for conservation and restoration in the Deep Creek Lake Watershed.

Public commentary – Commissioner Raley

- Public statement that he would support collection bargaining legislation that would mandate recognition for AFSCME Council 67, Local 1834. Commissioner Raley indicated that, not knowing the opinions of Chairman Crawford and Commissioner Gatto, he would defer to an official request for such recognition until the 2012 Session of the Maryland General Assembly.
- Appeal that the Delegation support total restoration of highway user funds to local governments
- Appeal that the Delegation oppose legislation that is being considered that would pass on the entire or partial cost of public education/teacher pension.

Senator Edwards requested that the Board submit a Letter of Support for Merger. The Board, on a motion by Commissioner Raley, which was seconded by Commissioner Gatto, and made unanimous by Chairman Crawford, approved this endorsement. Mr. Pagenhardt will draft a letter for Board execution.

7. The Board of County Commissioners, on a motion by Commissioner Raley, which was seconded by Commissioner Gatto, and made unanimous by Chairman Crawford, moved into Executive Session under section 10-508 of the Maryland Open Meetings Law on this date to discuss economic development and legal matters. The same motion ended the Executive Session and the Board moved back into Public Session.
8. Thomas Murphy, Penn State University Extension, provided the Board of County Commissioners and the Board of County Commissioners Marcellus Shale Advisory Committee with a report on natural gas drilling entitled "The Marcellus Resource". Prior to the presentation, members of the Advisory Committee introduced themselves to the Board and those in attendance.
9. Public Commentary. None on this date.
10. The Board of County Commissioners, on a motion by Commissioner, which was seconded by Commissioner, and made unanimous by Chairman Crawford, approved the Public Meeting Minutes for December 14, 2010 and Executive Meeting Minutes for December 14, 2010.
11. In compliance with the Maryland Open Meetings Act under section 10-509, a record of the Executive Session for December 14, 2010 is hereby documented on this date, the next open/public meeting of the Board of County Commissioners. Mr. Pagenhardt and Mr. Getty

reviewed a number of personnel and legal matters with the Board to include senior management organizational structure, collective bargaining issues, and a review of all pending litigation.

ADMINISTRATIVE SESSION

1. The Board of County Commissioners reviewed a number of board and commission appointments and took official action as noted:
 - a) Review of applicants for the vacant Board of Education Member to replace Commissioner Raley.
 - b) The Board reviewed possible appointment of board members, designates, and/or representatives to the Board of Governors of Garrett County Memorial Hospital. The Board will continue to keep this matter under advisement.
 - c) The Board of County Commissioners re-appointed Michael Annarelli, Beverly Beard, Lowell Bender, Linda Buckel, and William Welch to Garrett County Community Action Committee, Inc. Official letters of appointment will be sent to all appointees under the signature of Chairman Crawford.
 - d) The Board, on a motion by Chairman Crawford, which was seconded by Commissioner Raley, and made unanimous by Commissioner Gatto, appointed Cosette Harman to The Ruth Enlow Library of Garrett County Board of Trustees. An official letter of appointment will be sent to Ms. Harman under the signature of Chairman Crawford.

2. Mr. Pagenhardt reviewed a request for real property tax exemption from Grantsville Volunteer Fire Department. Mr. Getty had expressed an opinion that such an exemption is not allowed and that the interpretation in existing State Law, which is consistent with an opinion by the State Department of Assessment and Taxation, does not allow apartment rental payments to be used for the Department's building mortgage and normal operations and therefore qualify for a real property tax exemption.

Attest:

By Order of the Board,

R. Lamont Pagenhardt,
County Administrator

Gregan T. Crawford, Chairman
Board of County Commissioners

Date