

BOARD OF GARRETT COUNTY COMMISSIONERS
PUBLIC MEETING
Eastern Garrett Volunteer Fire Hall
September 19, 2017

IN ATTENDANCE

Chairman Paul C. Edwards
Commissioner James C. Hinebaugh, Jr.
Commissioner S. Larry Tichnell

County Administrator Kevin G. Null

CALL TO ORDER OF PUBLIC SESSION at 6:00 PM

PRAYER & PLEDGE OF ALLEGIANCE - Invocation by Commissioner Tichnell

PUBLIC SESSION

1. Mr. Null indicated there was one addition and no deletions to the Public Meeting Agenda. The Garrett County Board of Education requested to carryover funding from Fiscal Year 2017. The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved the Public Meeting Agenda, with addition, for September 19, 2017.
2. The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, approved the Public Meeting Minutes of September 5, 2017.
3. The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, appointed Edgar Harman to the Garrett County Health Planning Council fulfilling the unexpired term of Dorothy Walters who resigned. An official letter will be sent to Mr. Harman under the signature of Chairman Edwards outlining the term of appointment.
4. The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, formally reappointed Mark Pfaff for a three (3) year term and Robert Zimmerman for a two (2) year term as the Garrett County Sheriff Department Representatives to the Garrett County Law Enforcement Personnel Retirement Board of Trustees. These appointments were the result of a general election held among the Garrett County Sheriff Department employees. Official letters will be sent to Mr. Pfaff and Mr. Zimmerman under the signature of Chairman Edwards outlining the terms of the appointment.
5. The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, approved and executed a Resolution adopting the following road names to be included in the Garrett County Road Name Index:
 - ❖ Thunderhead Road
 - ❖ Grand Vista Way

6. The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved a real property tax exemption for Accident Community Housing Corporation for Fiscal Tax Year 2017 and Fiscal Tax Year 2018.
7. The Garrett County Board of Education requested to carryover \$2,608,037 from the Fiscal Year 2017 Budget and \$1,638,515 of restricted funds for a total of \$4,246,552. The Board, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, approved the carry-over request for Fiscal Year 2017.
8. Resolution 2017 – 6 (Attached). Resolution Adopting an Ordinance Authorizing a Person under Specific Conditions to Cross a Highway or Operate an All-Terrain Vehicle or Snowmobile on a Designated Portion of a Highway in Garrett County. The Resolution, as proposed, made the following change: 4) All-terrain vehicle and snowmobile operators on Garrett County Roadways must possess a valid driver's license or be eligible for a driver's license.

The Board, on a motion by Commissioner Hinebaugh which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, adopted Resolution 2017-6.

9. The Board, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, closed the Public Meeting and opened a Public Hearing at 6:20 p.m.
10. The Board of County Commissioners conducted a **Public Hearing** to obtain commentary on community development, economic development, and housing needs, and to offer citizens the opportunity to hear and review plans for applications which the County proposes to submit to the State of Maryland Department of Housing and Community Development for funding through the Community Development Block Grant Program. The project proposed for submission is Bloomington Water Treatment Plant.

There were no public comments

The Board, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, closed the **Public Hearing** at 6:24 p.m. and opened the Public Meeting. It was noted that funding to support this project will be approved by the Board on October 2, 2017 by execution of an official Resolution.

11. Public Commentary

- ❖ Question on ATV registration fee for farm use. Commissioner Tichnell explained the history of the ordinance and the reason for the fee. The Board will look at multi-vehicle registrations.
- ❖ Sprinkler requirements for single family homes are placing an unnecessary burden on residents. Homeowners should have a choice. Commissioner Hinebaugh stated that the sprinkler laws are State mandated and the Maryland Association of Counties had been seeking legislation to give rural counties more options but have been unsuccessful in the Legislature.
- ❖ Volunteer Firefighter Retention - Need to retain volunteer firefighters, if not, County will be required to have paid firemen. Suggestion to look at the County's Length of Service Awards Program (LOSAP) program and provide credit for full years of service. Also, request to have the County provide Worker's Compensation to the volunteers.

12. The Board of Garrett County Commissioners next scheduled Public Meeting will be Monday, October 2, 2017 at 4:00 p.m. at the Public Meeting Room, Garrett County Courthouse.

ADJOURNMENT: The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, adjourned the Public Meeting at 6:38 p.m.

Attest:

By Order of the Board,

Kevin G. Null,
County Administrator

Paul C. Edwards, Chairman
Board of County Commissioners

RESOLUTION NO. 2017 – 6

A RESOLUTION ADOPTING AN ORDINANCE AUTHORIZING A PERSON UNDER SPECIFIED CONDITIONS TO CROSS A HIGHWAY OR OPERATE AN ALL-TERRAIN VEHICLE OR A SNOWMOBILE ON A DESIGNATED PORTION OF A HIGHWAY IN GARRETT COUNTY.

Explanation

By Chapter 694 of the Laws of Maryland 2017, the General Assembly of Maryland enacted Senate Bill 979 (the “Bill”) and on May 25, 2017, the Honorable Larry J. Hogan, Jr., Governor of the State of Maryland, signed the Bill authorizing the Board of County Commissioners of Garrett County (the “Board”), as the governing body of Garrett County, Maryland, a political subdivision of the State of Maryland (the “County”), to reasonably exercise its police powers as to highways under its jurisdiction and authorizing a person to cross a highway on an all-terrain vehicle or snowmobile or to operate an all-terrain vehicle or a snowmobile on certain designated portions of highways under the jurisdiction of the County.

The County wishes to exercise the power granted to it by the Bill and by the Laws of Maryland for those purposes.

NOW, THEREFORE, BE IT RESOLVED AND ORDAINED, by the Board of County Commissioners of Garrett County, Maryland, this ____ day of _____, 2017, as follows:

1. The Explanation set forth above is incorporated as a substantive provision of this Resolution.
2. A person may operate an all-terrain vehicle or a snowmobile on not more than two (2) miles of a highway designated by the Board on not more than two (2) miles 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 or snowmobile is authorized, or to a field, or to another area where the operation of an all-terrain vehicle or a snowmobile is authorized;
3. To cross a highway on an all-terrain vehicle or a snowmobile at a right angle at a speed of not more than twenty-five (25) miles per hour.
4. The authorizations granted by this Resolution 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 limits even if their vehicle is not equipped with an operable speedometer;
 - B. All-terrain vehicles and snowmobiles may be operated on a Garrett County roadway for a distance not to exceed two (2) miles.
 - C. The Board of County Commissioners may, by resolution, close or restrict any specific road to all-terrain vehicles or snowmobile use.
 - (1) Subject to the regulations contained in this Ordinance, only all-terrain vehicles and snowmobiles, as defined by Transportation Article of the Annotated Code of Maryland, are hereby allowed on roads in the Garrett County Roadway Inventory (“Garrett County Roadways”), EXCLUDING municipal roads and state highways, subject to the conditions set forth in this Ordinance;
 - (2) All-terrain vehicles and snowmobiles must be registered every year and pay a registration fee as set by the Garrett County Commissioners to operate on Garrett County Roadways. The registration sticker must be displayed prominently on rear of the vehicle;
 - (3) All-terrain vehicle and snowmobile operators must have proof of valid liability insurance covering his/her vehicle;

- (4) All-terrain vehicle and snowmobile operators on Garrett County Roadways must possess a valid driver's license or be eligible for a driver's license;
- (5) HELMETS REQUIRED
 Unless the ATV or UTV is equipped with a factory R.O.P.S. (Roll Over Protection System), the operator or passenger of the ATV or UTV will not operate on any portion of the roadway unless the operators and passengers are wearing protective headgear that meets the standards established by the Administration as defined in TA 21-1306.
 In such cases where the ATV or UTV is equipped with a factory R.O.P.S. (Roll Over Protection System), the operator and passengers will utilize the factory seat belts when operating the ATV or UTV on any portion of the roadway.
- (6) No passengers are permitted on single seat all-terrain vehicles and snowmobiles; passengers on all other all-terrain vehicles and snowmobiles are limited to the number of manufactured installed passenger seats on the vehicle;
- (7) All-terrain vehicles and snowmobiles must have at least an operating brake light and headlight when in operation on Garrett County Roadways;
- (8) All-terrain vehicles and snowmobiles must travel single file on the right-hand shoulder or the extreme right-hand side of a road and left hand turns may be made from any part of the road if it is safe to do so under the prevailing conditions;
- (9) Failure to abide by any of the above conditions when an all-terrain vehicle or snowmobile is in use on Garrett County Roadways shall constitute a violation of this Ordinance.
- (10) Fines and penalties for violations of this Ordinance:
- (i) First violation – One Hundred Dollars (\$100.00);
 - (ii) Second violation – Two Hundred Fifty Dollars (\$250.00) and a sixty (60) day suspension from using all-terrain vehicles or snowmobiles on Garrett County Roadways;
 - (iii) Third and Subsequent Violations – Five Hundred Dollars (\$500.00) and a lifetime suspension from using all-terrain vehicles or snowmobiles on Garrett County Roadways;
- (11) Enforcement of this Ordinance shall be a Municipal Infraction.
- (12) If any provision of this Ordinance is found to conflict with Maryland state law or with federal law, all other portions shall remain in full force and effect.

BE IT FURTHER RESOLVED AND ORDAINED, that this Resolution shall be effective October 1, 2017, by the Board of County Commissioners of Garrett County, Maryland.

ADOPTED this ___ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
 OF GARRETT COUNTY, MARYLAND

 Paul C. Edwards, Chairman

 James C. Hinebaugh, Commissioner

 S. Larry Tichnell, Commissioner

(S E A L)

 Kevin G. Null
 County Administrator

REGISTRATION INSTRUCTIONS

Registration

An all-terrain vehicle or snowmobile shall not be operated unless the owner first obtains a certificate of registration and registration decal from the County.

The registration decal must be affixed to the rear of the all-terrain vehicle or snowmobile and be clearly visible.

The registration sticker will expire on December 31st of the year indicated on the decal.

Fees

Registration fees: Twenty-five dollars (\$25.00) per vehicle

Any all-terrain vehicle or snowmobile that will operate on any authorized roadway in Garrett County, Maryland must be registered and display a valid registration decal.

How to Register:

In Person: Garrett County Tax Collections Office
203 South Fourth Street
Oakland, Maryland 21550
Hours: Monday-Friday 8:30-4:00
Complete and sign the Registration Application
Payment with cash, check, or credit card
Registration Decal will be issued

On-Line: www.garrettcountry.org/ride
Complete the Registration Application
Payment with credit card
Registration Decal will be mailed-allow 2 weeks to process