

**BOARD OF GARRETT COUNTY COMMISSIONERS**  
**PUBLIC MEETING**  
**June 16, 2009**

**IN ATTENDANCE**

*Chairman Dennis G. Glotfelty*  
*Commissioner Ernest J. Gregg*  
*Commissioner Frederick A. Holliday*

*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 that there was one addition and no deletions to the Public Meeting for June 16, 2009. Linda Lindsey, Director, Department of Public Utilities requested time during the administrative session to discuss several matters. Mr. Pagenhardt also noted matters to be discussed during the administrative session on this date.
2. Minutes of the Public Meeting of May 26, 2009 and Administrative Session of June 9, 2009 were approved on a motion by Commissioner Gregg, which was seconded by Commissioner Holliday, and made unanimous by Chairman Glotfelty.
3. The Board of County Commissioners conducted a *Public Hearing* to receive commentary on consideration for approval of amendments to the Garrett County Water and Sewer Master Plan for the Town of Grantsville. These amendments include water and sewer capacity compliance for North Tract Annexation and East Tract Annexation. The Board, on a motion by Commissioner Holliday, which was seconded by Commissioner Gregg, and made unanimous by Chairman Glotfelty, closed the public hearing and approved all amendments as presented.
4. The Purchasing Department presented the following recommendations of bid award to the Board of County Commissioners:
  - a) Filters (bid #09-0521F). The Board, on a motion by Commissioner Holliday, which was seconded by Commissioner Gregg, and made unanimous by Chairman Glotfelty, awarded the bid to Miller Auto Parts. Specific filter and associated costs are on file with the Purchasing Department.

- b) Motor Oil and Grease (bid #09-0521MO). The Board, on a motion by Commissioner Gregg, which was seconded by Commissioner Holliday, and made unanimous by Chairman Glotfelty, awarded the bid to Bedford Valley Petroleum. Specific product and associated costs are on file with the Purchasing Department.
  - c) Fuel (bid #09-0528FO). The Board, on a motion by Commissioner Gregg, which was seconded by Commissioner Holliday, and made unanimous by Chairman Glotfelty, awarded the bid to Oakland Oil Company. Specific type of fuel and associated costs are on file with the Purchasing Department.
  - d) Invitation to Bid – Electrical Services (bid #09-0604E). The Board, on a motion by Commissioner Holliday, which was seconded by Commissioner Gregg, and made unanimous by Chairman Glotfelty, awarded the bid to Evergreen Electrical Company, Inc. for basic labor rates for electrician of \$38 per hour.
  - e) Invitation to Bid – Plumbing Services (bid #09-0604P). The Board, on a motion by Commissioner Gregg, which was seconded by Commissioner Holliday, and made unanimous by Chairman Glotfelty, awarded the bid to Rush Services, Inc. for basic labor rates for master plumber of \$55 per hour.
5. The Board of County Commissioners presented the Fiscal Year 2010 Operating and Capital Budget and all applicable tax rates. Mr. Pagenhardt presented an overview of the recommended budget. Official action by the Board was taken as follows:

- a) The Landfill Bond Ad Valorem Tax - \$0.04.

Tax rate approved on a motion by Commissioner Holliday, which was seconded by Commissioner Gregg, and made unanimous by Chairman Glotfelty.

- b) Supplemental Levy for Special Taxing Areas – The Ad Valorem Tax – Garrett County Sanitary District.
  - 1) Bloomington Sanitary District – Water - \$0.14
  - 2) Chestnut Ridge Sewer Sanitary District - \$0.23
  - 3) Deer Park Sewer Sanitary District - \$0.15
  - 4) Deer Park Water Sanitary District - \$0.15
  - 5) Friendsville Water Sanitary District - \$0.07
  - 6) Jennings Sewer Sanitary District - \$0.13
  - 7) McHenry Water Sanitary District - \$0.02
  - 8) Meadow Mountain Sewer Sanitary District - \$0.06
  - 9) Mountain Lake Park – Loch Lynn Sewer Sanitary District - \$0.05
  - 10) Mountain Lake Park – Loch Lynn Water Sanitary District - \$0.01
  - 11) Keyser’s Ridge Water Sanitary District - \$0.50

All tax rates approved on a motion by Commissioner Holliday, which was seconded by Commissioner Gregg, and made unanimous by Chairman Glotfelty.

c) The Real Property Tax (to include tax rate excluding fire tax, special fire tax levy per \$100, and Landfill Bond Tax)

- 1) Mountain Lake Park - \$0.937
- 2) All other areas - \$0.990

All tax rates approved on a motion by Commissioner Holliday, which was seconded by Commissioner Gregg, and made unanimous by Chairman Glotfelty.

d) Public Utilities Tax (to include tax rate excluding fire tax, special fire tax levy per \$100, and Landfill Bond Tax)

1. Mountain Lake Park - \$2.343
2. All other areas - \$2.475

All tax rates approved on a motion by Commissioner Gregg, which was seconded by Commissioner Holliday, and made unanimous by Chairman Glotfelty.

e) Fiscal Year 2010 Operating and Capital Budget of \$70,986,452

Approved on a motion by Commissioner Holliday, which was seconded by Chairman Glotfelty, and made unanimous by Commissioner Gregg.

Each Commissioner provided their individual thoughts on the budget approval process and financial future for Garrett County Government. Public commentary was also provided.

6. Jerome Moyer, General Superintendent, County Roads Department briefed the Board of County Commissioners on matters to include the Spring Lick/Route 495 Intersection project commencement and applicable/approved funding and New Germany Road/Route 495 project. Both projects are joint Garrett County/State of Maryland projects agreed to by both governmental jurisdictions.
7. The Board of County Commissioners reviewed requested Fiscal Year 2010 Program Open Space projects presented by William DeVore, Zoning Administrator, Department of Planning and Land Development. The Board will take this matter under advisement and make a final determination on June 23, 2009.

8. Mike Evans, Savage River Outfitters met with the Board of County Commissioners to voice his opinion on Savage River Road and commercial truck usage of this road and other connecting roads. Mr. Evans recommended closing Savage River Road for all commercial trucking. In attendance for this session were Jerome Moyer, General Superintendent, Garrett County Roads Department and Sheriff Gary Berkebile. Mr. Evans presented a petition expressing opinion on this traffic/road matter. The Board will take this matter under advisement to see what options the County may have and include a legal opinion from the county attorney.
9. Carol Riley, Executive Assistant to the Board of County Commissioners and County Administrator, reviewed the meeting and committee schedule for the forthcoming week.
10. Public Commentary. None on this date.

### ADMINISTRATIVE SESSION

1. Mr. Pagenhardt reviewed a number of correspondences and communications with the Board of County Commissioners.
2. The Board of County Commissioners, on a motion by Commissioner Gregg, which was seconded by Commissioner Holliday, and made unanimous by Chairman Glotfelty, appointed and re-appointed the following persons to the Garrett County Health Planning Council. Official letters of appointment will be sent to each appointee under the signature of Chairman Glotfelty.
  - a) Francis Gnegy (appointment)
  - b) Ann Sherrard (appointment)
  - c) Lesa Whittemore (re-appointment)
  - d) Brenda McDonnell (re-appointment)
  - e) Cindy Richardson (re-appointment)
  - f) Duane Yoder (re-appointment)
3. The Board of County Commissioners met with Linda Lindsey, Director, Department of Public Utilities to discuss a number of matters.
4. The Board of County Commissioners met with Department of Financial Services staff to review a number of issues to include Fiscal Year 2009 Audit Engagement Letter approval which Chairman Glotfelty executed on behalf of the Board and review of a request from mortgage companies for a list of the real property tax roll. This is available on-line by the County and the Department is asking that these companies be required to pay a \$100 service charge for this service. The Board agreed to this proposal.

5. The Board of County Commissioners met with Meg Ellis, Project Manager, Department of Economic Development to review the following issues:
  - a) Approval of Application for Federal Assistance for Economic Impact of Acid Mine Drainage Remediation for \$20,000. Matching funds of County \$3,000, State (DNR) \$8,000, Bureau of Mines \$9,000.
  - b) Approval of base agency designation for the County Fairgrounds Entrance Improvement (Application \$650,000 (\$300,000 ARC and \$350,000 County).
  - c) Request for the County to fund additional funds (\$358,000) for the Career Technology and Trades Center based on bids received. The Board agreed to fund the additional cost and proceed with final design and construction.
  
6. The Board of County Commissioners, on a motion by Commissioner Holliday, which was seconded by Commissioner Gregg, and made unanimous by Chairman Glotfelty, declared 6.13 acres of County property located on U.S. 219 north of Oakland as surplus County property. It is the intent of the Board to sell this parcel for commercial development. Subsequently the Board, on a motion by Commissioner Gregg, which was seconded and carried by Chairman Glotfelty, executed a Memorandum of Understanding to sell approximately 2.6 acres of the parcel to Dream On Enterprises, Inc. and Clear Mountain Bank, Inc. In order to facilitate the proposed development and in consideration of the agreements set forth the Memorandum of Understanding was executed by the Board and it attached to these public meeting minutes as Exhibit 1.

**ADJOURNMENT**

**Attest:**

**By Order of the Board,**

\_\_\_\_\_  
R. Lamont Pagenhardt,  
County Administrator

\_\_\_\_\_  
Dennis G. Glotfelty, Chairman  
Board of County Commissioners

\_\_\_\_\_  
Date

**EXHIBIT 1 - PUBLIC MEETING MINUTES OF JUNE 16, 2009**  
**MEMORANDUM OF UNDERSTANDING**  
**SALE OF GARRETT COUNTY ROADS' PROPERTY**

THIS MEMORANDUM OF UNDERSTANDING, is dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate and a political subdivision of the State of Maryland (the "County"), DREAM ON ENTERPRISES, LLC, a Maryland limited liability corporation ("Dream On Enterprises"), and CLEAR MOUNTAIN BANK, INC., a West Virginia banking institution authorized to do business in Maryland (the "Bank").

WITNESSETH:

EXPLANATION

WHEREAS, the County is the owner of those certain pieces or parcels of land located on the east side of U.S. Route 219 north of Oakland, Garrett County, Maryland, containing approximately 6.31 acres, said land being more commonly known as the Oakland Garrett County Roads' Department property (the "County Roads' Property"), and being the same land set forth in a deed from Nancy M. Knotts, et al., to the Board of County Commissioners of Garrett County, Maryland, dated July 21, 1955, and recorded August 3, 1955, among the Land Records of Garrett County, Maryland, and a deed from Mitchell Manor, Inc., et al., to the Board of County Commissioners of Garrett County, Maryland, dated April 26, 1972, and recorded October 31, 1973, among the said Land Records; and

WHEREAS, the purpose of this document is to outline the terms of the proposed sale of approximately 2.6 acres of the County Roads' Property (the "Property") to Dream On Enterprises and the Bank (collectively the "Developers"); and

WHEREAS, the County's goal is to see the Property placed on the tax rolls, commercial enterprises developed on the Property, new jobs created, and an overall improvement in appearance of the Property; and

WHEREAS, the County understands that the Property to be sold will be developed to accommodate two new businesses: a Dairy Queen Chill & Grill Restaurant and a new/expanded Oakland Branch of Clear Mountain Bank. Together, these two projects represent a total capital investment of approximately Four Million Dollars (\$4,000,000.00) and will employ approximately seventy (70) full and part-time employees; and

WHEREAS, the County believes the proposed business development will have a significant economic impact on the County and add to the County's tax revenues;

NOW, THEREFORE, in order to facilitate the proposed development and in consideration of the agreements hereinafter set forth, the County, Dream On Enterprises and the Bank do hereby agree as follows:

1. The Explanation set forth above is hereby incorporated as a substantive provision of this Agreement.
2. Responsibilities of the County:
  - A. The County agrees to sell approximately 2.6 acres (exact boundaries to be determined by survey) of the Property to Dream On Enterprises and the Bank for the sum of One Million Two Hundred Thousand Dollars (\$1,200,000.00).
  - B. The County agrees to construct the necessary State Highway Administration approved permanent highway entrance improvements off of U.S. Route 219 to the Property.

C. The County agrees to obtain funding for design and construction of an access road which would connect U.S. Route 219 and Fourth Street, the proposed connector street to be constructed within five (5) years of the transfer of the Property, contingent upon approval of the Town of Oakland, regulatory agencies, permitting agencies, etc.;

D. The County agrees to act to facilitate, on the part of the Developers, with state and local regulatory agencies.

E. The County agrees to resolve any outstanding environmental issues associated with the Property.

F. The County agrees not to sell any remaining acreage of the County Roads' Property to businesses that would be in direct competition with the businesses proposed by the Developers. More specifically, the County agrees not to sell any remaining acreage of the County Roads' Property to business prospects whose principal product is "burgers and ice cream" or banking services.

3. Responsibilities of the Developers:

A. The Developers agree to bear all costs associated with the development of the Property, said costs to include demolition and disposal of existing structures, earthwork and the initial/interim U.S. Route 219 highway entrance.

B. The Developers agree to make a capital investment of approximately Four Million Dollars (\$4,000,000.00) in improvements to the Property.

C. The Developers agree to employ approximately seventy (70) full and part-time employees at the businesses to be located on the Property.

D. The Developers agree to begin construction of the Property improvements within one (1) year after taking title to the Property.