

BOARD OF GARRETT COUNTY COMMISSIONERS

PUBLIC MEETING

Monday, October 4, 2021

Meeting was also Live Streamed at <https://www.facebook.com/garrettcountygovernment/>

IN ATTENDANCE

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

County Administrator Kevin G. Null

ADMINISTRATIVE SESSION

1. **Garrett County Health Department** – Update on Workforce Development Project. Garrett County Health Department staff Kendra McLaughlin, Director of Health Education and Outreach, and Melinda Smith, Environmental Health Specialist, provided an update on workforce development programs offered at the Garrett County Health Department.
2. **Board Appointment:**
 - ❖ **Deep Creek Watershed Zoning Appeals Board** – Appointment – Michael Beard, Full Member
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 appointment of Michael Beard, previously an alternate member, to a full membership fulfilling the unexpired term of Robert Browning who retired. Mr. Beard’s term will expire in October 2022.
3. The Board of County Commissioners approved the Garrett County Government 2022 Holiday Calendar.
4. Mr. Null reviewed a number of administrative, non-privileged personnel, and managerial matters under his authority and jurisdiction with the Board of County Commissioners.

CALL TO ORDER OF PUBLIC SESSION at 4:03 PM

PRAYER & PLEDGE OF ALLEGIANCE – Invocation by Pastor Jeff Kroll

PUBLIC SESSION

1. Mr. Null indicated there was no addition or deletion to the Public Meeting Agenda. 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 for October 4, 2021.
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 7, 2021.
3. **Update on County Response to COVID-19:** Robert Stephens, Garrett County Health Officer provided an update on COVID-19 and vaccines.
 - ❖ Garrett County Health Department has changed the matrix to report **fully vaccinated** (both shot or the single J&J)
 - 75% of population over 65 vaccinated

- 48.9% of population has been vaccinated
- 15.12% positivity rate-highest in the State
- 52.17% 7-day case rate-second highest in State
- 71 Deaths
- ❖ **Booster Shots**
 - Third shot for those who are immunocompromised are available now.
 - Third booster shot (Pfizer only) should be available by the end of the week. Moderna expected to be available by the end of the month.
- ❖ The vaccine does work and provides protection. If you haven't been vaccinated, you need to be.
- ❖ Flu shots will be available at the Health Department beginning on October 14, 2021.

4. PROCLAMATIONS:

- ❖ I CAN SWIM MONTH – October 2021 – 10 Year Anniversary
- ❖ Economic Development Week – October 25-29, 2021

5. Garrett County Board of Education – Request for Funding – Grantsville Elementary Renovation Project

The Garrett County Board of Education approved the Grantsville Elementary School renovation to include the conversion of the “open space” classrooms and roof replacement. The original cost of the project was \$3.7 million, with the State funding \$3,293,000 and the Board of County Commissioners funding \$407,000. While the scope of the project has remained unchanged, the construction budget has increased from \$3.7 million to \$5 million, an increase of \$1.3 million.

The Garrett County Board of Education proposed to fund the increase with \$650,000 from their fund balance and requested an additional \$650,000 from the County.

Commissioner Hinebaugh noted that the \$1.3 million is being covered with local funds. In order for the project to continue and meet the construction deadline for the next school year, the County would need to approve the funding of \$650,000. However, the Delegation will explore obtaining State funding for the increase.

The Board of Garrett County Commissioners requested that the \$1.3 million be funded by the Interagency Commission on School Construction (IAC) based on the funding formula; the State would pay \$1,157,000 and the County would pay \$143,000.

The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, approved additional funding of \$650,000 and authorized a request to the Delegation to seek State funding for the project.

6. RESOLUTION 2021 – 8: Maryland Department of Community Development Block Grant Program Funds - Resolution Granting Authorization to Apply

The Board of County Commissioners held a Public Hearing on September 7, 2021 to solicit applications for eligible jurisdictions to apply for funding under the Maryland Community Development Block Grant Program. Projects include the Older Adult Home Modification Project (requesting \$92,400) with Garrett County Community Action Committee, Inc. as sub-recipient and the Oakland Trout Run Regional Waste Water Treatment Plant (requesting \$450,700).

The submission of applications to the Maryland Department of Housing and Community Development for its Maryland Community Development Block Grant Program funding, not to exceed Five Hundred Forty-Three Thousand One Hundred Dollars (\$543,100.00), was approved.

The Board of County Commissioners, on a motion by Commissioner Hinebaugh which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved, and executed Resolution 2021 – 8.

7. **RESOLUTION 2021 – 9: CONTRACT OF SALE – McHENRY BUSINESS PARK – Lot # 6**

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 sale of Lot #6 at the McHenry Business Park consisting of 4.00 acres for the sum of Sixty Thousand Dollars (\$60,000), to Ski Service Unlimited and authorized Chairman Edwards and Mr. Null, on behalf of the Board of County Commissioners to execute all documents relative to this transfer of property to include Resolution 2021 - 9 and a Right of Entry Agreement allowing the plat to be recorded.

8. **PUBLIC COMMENTARY:** Due to a system-wide Facebook outage, the meeting was not live-streamed.
9. The Board of Garrett County Commissioners announced that the next Public Meeting will be held on Tuesday, October 19, 2021, at 4:00 p.m. at the 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 4:31 P.M.

Attest:

By Order of the Board,

KEVIN G. NULL
County Administrator

PAUL C. EDWARDS, Chairman
Board of County Commissioners

PUBLIC HEARING

PROPOSED AMENDMENTS TO THE DEEP CREEK WATERSHED ZONING ORDINANCE

The Public Meeting was opened by Chairman Edwards at 4:32 p.m.

Chad Fike, Assistant Director of Community Development and Planning provided an overview of the following proposed amendment changes:

PROPOSED SPECIAL EXCEPTION AMENDMENTS

Transient Vacation Rental Unit (TVRU) Special Exceptions.

TVRUs up to 5 bedrooms are currently permitted in the residential (AR, RR, AR, LR1, LR2) districts but require a Special Exception for between 6 to 8 bedrooms. The following changes would remove this distinction and all TVRUs up to 8 bedrooms would be permitted in the residential districts.

- Amend Section 157.024(B)20 to read “Transient vacation rental unit for up to 8 bedrooms, meeting the requirements of 157.079:”
- Delete Section 157.024(B)21
- Delete Section 157.079.G (this section contains specific requirements for 6 to 8-bedroom TVRUs)
- Delete Section 157.166.E (this section contains specific requirements for the Board to consider for TVRU Special Exceptions)

PROPOSED VARIANCE AMENDMENTS

The following three changes deal with variances for buydown properties, small lots and grandfathered structures. It was intended that the Board of Appeals could approve these variances under relaxed standards in which the applicant did not need to prove the more stringent variance requirements such as hardship and practical difficulty. In 2017 the Board granted a rear yard buydown variance for Michael & Allison Lee (VR-773) considering only the “relaxed” standards. The ruling was appealed, and the Circuit Court determined that the Board was not authorized to grant a variance without considering all variance standards, including those dealing with hardship and practical difficulty. This ruling conflicts with how we intended to consider these variances.

Rear Yard Variances on Lake Front Lots

The following changes would permit properties owning the buydown to have a relaxed rear yard setback without requiring a variance.

- Delete Section 157.165.E
- Add a new Section to read as follows:
157.054 SPECIAL REAR YARD SETBACKS ON LAKE FRONT LOTS
A lake front lot which has acquired an appurtenant interest in additional land area from the State of Maryland subsequent to January 1, 2000 may construct a dwelling to within 10 feet of the rear lot line if the dwelling will not be erected closer than 100 feet to the high water elevation (2462 feet above sea level) in the LR1- Lake Residential 1 district or closer than 50 feet to the high water elevation in any other zoning district.

Reduction of Setbacks for Small Nonconforming Lots

The following changes would permit certain small nonconforming (“grandfathered”) lots to use Town Residential setbacks without requiring a variance.

- Delete Section 157.165.F (This section deals with both nonconforming lots and nonconforming structures. Delete both or clarify which parts are deleted)
- Add a new Section to read as follows:
 157.055 SPECIAL SETBACKS FOR CERTAIN NON-CONFORMING LOTS
 The minimum front, side and rear yard widths of nonconforming lots in the AR, RR, LR1 and LR2 districts that have a lot area of 17,400 square feet or less and a lot width of 60’ or less can be reduced to the minimum yard widths required in the TR zone.

Replacement or enlargement of nonconforming structures

Prior to 2010 a nonconforming structure was permitted to be replaced or enlarged if the structure did not encroach beyond the “grandfathered” setbacks. To provide some protection for neighboring properties, the Ordinance was amended in 2010 to require a variance to use these setbacks anytime the house was located within 30’ of another single-family home. The following changes would allow the use of grandfathered setbacks without a variance.

- Delete Section 157.165.F (This section deals with both nonconforming lots and nonconforming structures. Delete both or clarify which parts are deleted)
- Amend section 157.126. B (3) to delete a. and b. and read as follows: “Reconstruction or expansion that does not comply with current yard or setback requirements of this chapter shall be permitted if the area of expansion or reconstruction encroaches no further than the existing structure into a required minimum yard or setback area.”
- Delete Section 157.126.B (4) and Figure 6.

Chairman Edwards asked if there were any questions. None was provided. The Record will remain open for comments through October 18, 2021.

On a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, closed the Public Hearing at 4:49 p.m.

Attest:

By Order of the Board,

KEVIN G. NULL
 County Administrator

PAUL C. EDWARDS, Chairman
 Board of County Commissioners