

February 22, 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; Finance Director Jason M. Bennett (attending as Acting County Administrator); and County Attorney William M. Rudd. The following business was transacted:

The Pledge of Allegiance was led by Danny Williams.

MOTION

County Attorney William Rudd asked the Commissioners to add an Item to the Agenda, a Resolution to permit the County to retain counsel for Opioid Litigation. There was no objection to the addition of this Item, and it was added to the Agenda for this meeting, under "Action", as Item 4A.

There were no further 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 February 8, 2018, public business meeting.

Before moving to the Presentation Agenda, Commissioner Shade read a Citation in honor of Mr. David Eberly, who is retiring from his employment with Allegany County Government.

PRESENTATION

Item 1 – Fiscal Year 2017 Comprehensive Annual Financial Report – Financial Audit – Jason M. Bennett, CPA, Director of Finance, and Rick Hoover, CPA, Turnbull, Hoover, & Kahl, PA. Mr. Rick Hoover, CPA with Turnbull, Hoover & Kahl, PA, presented Allegany County's Fiscal Year 2017 Comprehensive Annual Financial Report – Financial Audit. A copy of the Report will be available on the County's website and is attached to and made a part of these Minutes by reference.

ACTION AGENDA

Item 2 – Mutual Aid Agreement Between the Board of County Commissioners of Allegany County, Washington County Sheriff's Office, the Board of County Commissioners of Washington County, and the Mayor and City Council of Hagerstown – Board of County Commissioners of Allegany County to authorize the Mutual Aid Agreement among them, Washington County Sheriff's Office, the Board of County Commissioners of Washington County, and the Mayor and City Council of Hagerstown – Craig A. Robertson, Allegany County Sheriff, called the Commissioners' attention to the Agreement being presented for their approval. He pointed out the parties to the Agreement as Allegany County Commissioners, Washington County Commissioners, Allegany County Sheriff's Office, Washington County Sheriff's Office, and Mayor and City Council of Hagerstown. Sheriff Robertson also explained the reasons for the Agreement, that it would allow Allegany County to utilize the Special Response Team of the Washington County Sheriff's Department to come into Allegany County in order to conduct search warrants and provide assistance. He added that it allows the Washington County Officers to come into Allegany County under the Sheriff's direction, from a liability standpoint.

Commissioner Brodie asked if there was a similar arrangement in place with Garrett County, and the Sheriff confirmed this.

Upon Motion by Commissioner Valentine, seconded by Commissioner Brodie and duly unanimously carried, the Commissioners authorized the Mutual Aid Agreement among them, Washington County Sheriff's Office, the Board of County Commissioners of Washington County, and the Mayor and City Council of Hagerstown – Craig A. Robertson, Allegany County Sheriff.

Item 3 – Lease of Property at 1 National Highway – Board of County Commissioners to authorize the President to execute a one-year lease that renews annually, with LaVale Automotive Services, LLC, at a rate of \$3,000 a year – Jeffrey S. Barclay, Director of Economic & Community Development, asked the Commissioners to consider a lease of property at 1 National Highway. He presented background on the property and details on the proposed lease. The information Mr. Barclay presented is set forth on his Staff Report regarding Lease of Property at 1 National Highway, a copy of which is attached to and made a part of these Minutes.

Upon Motion made by Commissioner Brodie, and seconded by Commissioner Valentine, the Commissioners unanimously authorized the President to execute a one-year lease that renews annually, with LaVale Automotive Services, LLC, at a rate of \$3,000 a year.

Item 4 – Option to Purchase 37 Lane Avenue, LaVale – Board of County Commissioners to authorize the President to execute a 90-day Option to Purchase Agreement with The Economy Wholesale Company for 2.5 acres of property and a 32,000 square foot building located at 37 Lane Avenue, LaVale, for a price of \$320,000 – Jeffrey S. Barclay, Director of Economic & Community Development, explained that 37 Lane Avenue is the last building on Lane Avenue and is located behind Fratelli's Restaurant. Mr. Barclay presented background on the property and details on the proposed option to purchase, which information is set forth on his Staff Report dated February 16, 2018, regarding Option to Purchase 37 Lane Avenue. A copy of this Staff Report is attached to and made a part of these Minutes. Mr. Barclay asked for the Commissioners' consideration of a 90-day option to allow for due diligence on the property by County staff.

Commissioner Brodie moved that the Board of County Commissioners authorize the President to execute a 90-day Option to Purchase Agreement with The Economy Wholesale Company for 2.5 acres of property and a 32,000 square foot building located at 37 Lane Avenue, LaVale, for a price of \$320,000. Commissioner Valentine seconded the Motion. Motion carried unanimously.

Commissioner Brodie took a moment to express thanks to Mr. Mark Van Tyne, Realtor, for his assistance regarding 37 Lane Avenue. Mr. Barclay added his thanks. Mr. Van Tyne declined to make any comments at Commissioner Shade's invitation.

Item 4A – Opioid Update – County Attorney William M. Rudd explained that the County, along with the City of Cumberland and the City of Frostburg, have been discussing with several law firms the possibility of legal representation of the County and the Municipalities in an action against opioid manufacturers and opioid distributors. Attorney Rudd recommended to the Commissioners that the County enter into a retainer agreement with Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, PA, a law firm from Pensacola, Florida, who are one of six plaintiffs' law firms who have gotten together to take on the large deal. Attorney Rudd explained that the County would actually be retaining all six law firms, as well as the Poole Law Group from Hagerstown, Maryland, as local contact. Attorney Rudd pointed out this will be a contingent fee arrangement at 25 percent of any amount that is collected, and nothing due to the law firms if they are not successful. There are no expenses, and Attorney Rudd referred to this arrangement as "zero risk". Attorney Rudd provided some details regarding the litigation to be filed. He added that there are plans in the works to have a presentation regarding this at a later date, which will include description of the problem and an explanation as to why suit is being brought, to educate the public about the issue.

Following Attorney Rudd's presentation and brief discussion with the Commissioners, a Motion was made by Commissioner Shade to move forward with the litigation. Commissioner Valentine seconded the Motion. Motion carried unanimously to approve and pass Resolution 18-6 and approve and authorize the President to sign the Engagement to Represent.

CONSENT AGENDA

As recommended by Jason M. Bennett
Director of Finance/Acting County Administrator

Motion was made by Commissioner Brodie, and was seconded by Commissioner Valentine, to approve and adopt the Consent Agenda. Commissioner Brodie asked for discussion related to Item 7, regarding a request by a local non-profit regarding one of the buses being declared as surplus. The non-profit wants to use the bus to assist opioid addicts in getting to needed treatment. Commissioner Brodie asked for the other Commissioners' agreement to transfer the bus to the non-profit. With the Commissioners' okay, Sheriff Robertson identified the non-profit as the Union Rescue Mission. There was discussion on the issue. Sheriff Robertson confirmed that the County would probably only get \$500 to \$1,000 if the bus were sold. The Commissioners agreed that the first step was to proceed to declare the vehicle surplus by approving the Consent Agenda. Motion carried to approve and accept the Consent Agenda as recommended by Mr. Bennett.

Item 5 – 58th Annual Alhambra Catholic Invitational Tournament – Board of County Commissioners authorized the County Finance Department to remit \$3,000 budgeted from the Community Promotions Account to support the 58th Annual Alhambra Catholic Invitational Tournament, Frostburg, Maryland, March 8-10, 2018.

Item 6 – Transit Bus Purchase – Board of County Commissioners authorized the purchase of a transit bus from American Bus & Service, Annapolis, Maryland, at a cost of \$391,974. The cost is covered as part of a capital grant that is 80% federal funds, 10% state funds, and 10% local funds.

Item 7 – Declaration of Surplus Vehicles – Board of County Commissioners authorized Allegany County Transit to declare the following two vehicles surplus and dispose of them according to county policy: Fleet# 303 International, VIN# 1HVBTAFL28H637020, and Fleet# 629 Ford, VIN# 1FDWE35L075DA58656.

Item 8 – Tourism Destination Guide Printing Bid Award – Board of County Commissioners authorized the award for the printing of the Tourism Destination Guide to Walsworth Publishing, Marceline, Missouri, in the amount of \$29,385.

Acting County Administrator – Mr. Jason Bennett announced that the budget process has started, and that budget hearings will be held starting in March 2018. He added that public hearings with outside agencies will be held on March 8 and March 22, 2018. He also, on behalf of County staff, thanked Mr. David Eberly for his services as County Administrator, and for his support, friendship and guidance over the years.

County Attorney Rudd echoed Mr. Bennett's comments regarding Mr. Eberly.

Commissioners' statements, comments, recognition

Commissioner Valentine reported that the County Commissioners have drafted some letters regarding some Bills in Annapolis, one of which was requested by Allegany County regarding allowing ATVs to operate on County roads under certain regulations. He pointed out that this is a partner Bill with Garrett County. **Commissioner Valentine** added that there is also a letter of opposition to a current Bill that would absolutely destroy a growing industry, the craft beer industry.

Commissioner Brodie also thanked Mr. Eberly, describing him as a fantastic administrator during both terms that Commissioner Brodie has served in office. He added that Mr. Eberly has achieved everything the Commissioners asked of him.

Commissioner Brodie also commented on a Facebook post in which an employee of MDE posted derogatory remarks about the County's road maintenance program, as well as Commissioner Brodie's own knowledge about construction projects and roads. Commissioner Brodie spoke about the value of the County's tar and chip program, pointing out that tar and chip has an average life of between 10 and 15 years. Commissioner Valentine added some comments about County roads maintenance.

Commissioner Shade commended Mr. Eberly for being a person the Commissioners could trust and count on, and who came in every day and was honest and straightforward. He remarked that the Commissioners would certainly miss Mr. Eberly.

Commissioner Shade then read into the record a letter in support of House Bill 518 – Alcoholic Beverages – Reform on Tap Act of 2018. A copy of this letter is attached to and made a part of these Minutes.

Constituents – In order of sign-up sheet –

Mr. Kenneth Wilmont, Cumberland, Maryland, offered his usual comments regarding his dissatisfaction with the running of the Allegany County Animal Shelter.

Mr. Jeff Fairly, LaVale, Maryland, told the Commissioners that he was told by a friend about two flags at the LaVale Swim Club that needed to be replaced, and he purchased two flags. He presented them to the County Commissioners, to be put up at the Swim Club. Mr. Fairley also offered his services to do a presentation at a future County Commissioners public meeting on the proper way to display a flag. Commissioner Brodie suggested that Mr. Fairly could do this right before Memorial Day, and the other Commissioners agreed. Commissioner Shade told him that he would contact him.

Mr. John Fetchero spoke about the problem of gambling addiction, and offered some statistics on the subject, pointing out that 2,021 residents are affected by gambling addiction in Allegany County. He described it as a public health issue that affects all aspects of physical, social and mental health. Mr. Fetchero provided the number for the Gambling Addiction Hotline, 1-800-GAMBLER. He reported that there are two counselors in Allegany County, one at the Western Maryland Health System and one at the Health Department, who can help with problem gambling. Mr. Fetchero asked for the Commissioners' support regarding this issue. He explained that March is Problem Gambling Awareness Month and asked for a Countywide proclamation to note the Month.

Commissioner Shade told Mr. Fetchero that the Commissioners would issue a Proclamation of March as Problem Gambling Awareness Month and present it at either the March 8 or March 22 public business meeting. He thanked Mr. Fetchero for his comments.

Reminders/Upcoming Meetings

Next Public Business Meeting – Thursday, March 8, 2018, 5:00 p.m.

Announcement – Allegany County Opportunity Scholarship (See News Release)

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:50 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary



ALLEGANY COUNTY
DEPARTMENT OF ECONOMIC
& COMMUNITY DEVELOPMENT

Item 3

701 Kelly Road, Suite 400 • Cumberland, Maryland 21502

STAFF REPORT

TO: David Eberly, County Administrator
FROM: Jeffrey S. Barclay, Director 
DATE: February 15, 2018
RE: Lease of Property at 1 National Highway

For the Agenda of: February 22, 2018

BACKGROUND: The subject property was acquired from John M. Miller, Personal Representative of the Estate of E. Dale Miller, by the County in November of 2008. At that time the County's intent was to remove an unsafe, blighted structure and develop plans for a trailhead to the Great Allegheny Passage (GAP). The unsafe building has long since been removed, however, through planning and design exercises, many challenges have been identified with establishing a trailhead at this location. The topographic and engineering challenges of the site were the first challenges to be realized. Likewise, it was discovered that two property owners lie between this parcel and the GAP trail, one of which is CSX. The Department of Public Works is contemplating potential solutions and alternatives. In the interim, the site still requires maintenance and mowing during the growing season. The County was recently approached by the neighboring business owners of LaVale Automotive Services, LLC. The business owners expressed an interest in leasing the property for parking to serve their business needs as well as the ability to maintain the surface and keep the property mowed.

- 1. ISSUES:** This property was purchased with DNR, Program Open Space funds. The intent was to utilize the property as outdoor public recreation or to remain open space. This lease will be set up as a year-to-year lease to assist with maintenance and mowing of the property. If a trailhead project becomes viable, it is understood that the lease with LaVale Automotive Services, LLC., would not be renewed.

2. **FINANCIAL IMPACT:** Negotiated a one year lease that renews annually, for \$250 per month, or \$3,000 per year and costs saved for mowing and maintenance.
3. **ALTERNATIVES:** Could choose not to enter into a lease and the County would continue with mowing and maintenance of said parcel.
4. **OTHER CONSIDERATIONS:** This gesture supports a new small business in Allegany County. This new business held a grand opening on February 5, 2018. The parking that 1 National Highway would provide could be critical to the success of the business.
5. **CONFORMITY TO COUNTY POLICY:** Meets County requirements and procurement policies.
6. **RECOMMENDATION:** Authorize the President of the Board of County Commissioners of Allegany County, Maryland, to execute a one year lease that renews annually, with LaVale Automotive Services, LLC., for approximately 0.60 acres of land located at 1 National Highway, LaVale, Maryland, at a rate of \$3,000 per year.



ALLEGANY COUNTY
DEPARTMENT OF ECONOMY
& COMMUNITY DEVELOPMENT

Item 4

701 Kelly Road, Suite 400 • Cumberland, Maryland 21502

STAFF REPORT

TO: David Eberly, County Administrator
FROM: Jeffrey S. Barclay, Director *JSB*
DATE: February 16, 2018
RE: Option to Purchase 37 Lane Avenue, LaVale, MD

For the Agenda of: February 22, 2018

BACKGROUND: The subject property has been on the market for over a year. The Economy Wholesale Company has been closed for business for nearly two years at this location. The listing price has been reduced to \$389,000 since early December 2017 for 32,000 square feet of space. Allegany County Department of Economic & Community Development has been working with a potential business prospect for nearly two years to find a suitable location, and with all things considered, this building has potential. On December 19, County staff toured the building with realtor Mark Van Tyne to assess the condition of the building. The building needs some repair, but overall, it has great potential for a building that was constructed in 1964. The roof is less than five years old.

Negotiation with the owners and their counsel has resulted in a 90-day Option to Purchase Agreement to perform our due diligence, requiring a \$1,500 deposit in earnest money upon signing and an agreed upon purchase price of \$320,000.

- 1. ISSUES:** The sprinkler system was constructed with the original building and may require significant upgrades. I have a \$1,850.00 estimate with Mt. Sprinkler, LLC., to evaluate and model the system upon signing the Option Agreement.
- 2. FINANCIAL IMPACT:** A \$1,500.00 nonrefundable deposit that would apply to the purchase price of \$320,000. Should the building be purchased, I would

anticipate entering into a lease or lease/purchase agreement with a business prospect to pay back the investment.

3. **ALTERNATIVES:** Could choose not to execute the Option. The County would have 90 days to decide whether to execute the Option to Purchase.
4. **OTHER CONSIDERATIONS:** The decision to pursue this property could support a new small manufacturing business in Allegany County and represents the kinds of decisions Allegany County should consider to attract new business ventures.
5. **CONFORMITY TO COUNTY POLICY:** Meets County requirements and procurement policies.
6. **RECOMMENDATION:** Authorize the President of the Board of County Commissioners of Allegany County, Maryland, to execute a 90-day Option to Purchase with The Economy Wholesale Company for 2.5 acres of property and a 32,000 square foot building located at 37 Lane Avenue in LaVale, Maryland, for a negotiated price of \$320,000.



ALLEGANY COUNTY, MARYLAND

Office of The Board of County Commissioners

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BOARD OF COMMISSIONERS

Jacob C. Shade, *President*
Creade V. Brodie, Jr.
William R. Valentine

David A. Eberly, *County Administrator*
William M. Rudd, *County Attorney*

February 22, 2018

The Honorable Dereck E. Davis, Chair
The Honorable Sally Jameson, Vice Chair
House Economic Matters Committee
231 House Office Building
6 Bladen Street
Annapolis, MD 21401

RE: House Bill 518: Alcoholic Beverages – Reform on Tap Act of 2018

Dear Chair Davis and Vice Chair Jameson:

The Board of County Commissioners of Allegany County strongly supports House Bill 518. This was requested by the Governor and is also supported by the Comptroller.

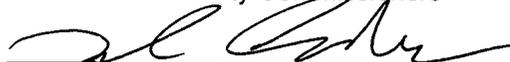
Allegany County is proud to be the home of 1812 Brewery, a family owned and operated farm craft brewery. The owners have made a significant financial investment as well as a personal investment in this private enterprise. The financial risk is substantial and was based on the assumption of free and fair economic competition in the State of Maryland. Allegany County Government was pro-active in amending zoning regulations in order to ensure that this farm-brewery and similar operations could be fully compliant and welcome in Allegany County on day one and to allow them to be successful for years to come.

Breweries, pub-breweries, micro-breweries, and farm-breweries can be important economic development drivers throughout the State of Maryland. Analysis has indicated that state and local revenues will increase. Craft beer manufacturing is expanding throughout the USA. Asheville, North Carolina, has experienced a renaissance, in large part, from this type of manufacturing. This destination is a magnet for visitors. Overall, HB 518 offers opportunity to the State of Maryland, its jurisdictions, and its citizens.

Thank you for your review and consideration of this timely legislation.

Sincerely,

The Board of County Commissioners



Jacob C. Shade, President



Creade V. Brodie, Jr., Commissioner



William R. Valentine, Commissioner