

September 27, 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; County Administrator Brandon S. Butler; and County Attorney William M. Rudd. The following business was transacted:

The Pledge of Allegiance was led by Heather Wolford.

#### **MOTION**

There were no 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 September 6, 2018, public business meeting.

Ms. Heather Wolford, Reporter with the Cumberland Times-News, thanked the Commissioners and remarked that she has really enjoyed working with the Commissioners and County staff during her time as County Reporter. Ms. Wolford explained that she accepted a new position with Johns Hopkins School of Public Health, in its Department of Health and Behavior, as a Research Program Assistant. She added that the work she will be doing will be in Allegany County, and she provided a few details about her new job.

Ms. Wolford expressed her appreciation for the cooperation and assistance she got from the County Commissioners, as well as County officials and staff, which made it possible for her to prepare her newspaper stories and ultimately have this new opportunity.

Following Ms. Wolford's remarks, Commissioner Shade read and presented her with an Official Citation in recognition of her work as County Reporter. There was a round of applause.

#### **ACTION AGENDA**

**Item 1 – Code Home Rule Bill 5-18 – Introduction – “General Obligation Bond Authorization of 2018”** – Jason M. Bennett, CPA, Director of Finance, called the Commissioners' attention to the proposed Code Home Rule Bill before them this evening. Mr. Bennett explained that this Bill is for the next general obligation bond for \$10,905,000. He pointed out that within this Bond Bill, there are included many projects which have been discussed over the last couple of years: \$3,000,000 identified for Emergency Services, for computer-aided dispatch; \$2,700,000 for the Allegany College Tech Building; \$2,500,000 for numerous bridge projects in Allegany County, including the Orleans Bridge; \$450,000 for Allegany College for roof projects; \$250,000 for the County Office Buildings; \$850,000 for hopefully a new Roads Garage in Oldtown and a waste site, with location to be determined; \$525,000 for heavy equipment for County Roads operation; \$400,000 for the LaVale Library renovations; and \$230,000 for bond closing costs.

Mr. Bennett concluded by stating that tonight is the introduction of Code Home Rule Bill 5-18, and that hopefully next week hearing will be held on the Bill; and if no comments are received at the hearing, action will be taken on it as well. He pointed out that if that happens, the Bill will become effective November 19, 2018. Mr. Bennett remarked that this all lines up with the County's debt affordability, keeping the County at \$3,000,000 worth of debt service. He added that this will be the last borrowing the County will be able to do for a few years to stay at \$3,000,000. Mr. Bennett explained that as the next step, he, Commissioner Shade, and County Administrator Brandon Butler will go to New York City in early November to do two credit presentations, and hopefully affirm the County's current bond rating at AA. He further explained that the actual bond sale will be done in very early December.

Upon Motion made by Commissioner Valentine, seconded by Commissioner Brodie, and Motion carried, the Board of County Commissioners agreed to the Introduction of Code Home Rule Bill 5-18 – “General Obligation Bond Authorization of 2018”.

**Item 2 – Resolution 18-29 – Rocky Gap Slots Allocation** – Board of County Commissioners to approve the update to the Rocky Gap slots allocation for calendar year 2019 – Jason M. Bennett, CPA, Director of Finance, explained that Resolution 18-29 – Rocky Gap Slots Allocation is largely an update to the existing Resolution the County has regarding how the Rocky Gap funds are spent through the County's Local Development Council. He reported that the Council just met eleven days ago and came up with a new spending plan, which is actually an update to the current plan. Mr. Bennett provided further information regarding the Resolution and spending plan, as set forth on his Staff Report dated September 21, 2018, and on Resolution 18-29. Copies of both the Staff Report and Resolution 18-29 are attached to and made a part of these Minutes.

Mr. Bennett pointed out that, as in previous years, the spending plan is up to the Commissioners to approve, but state law provides that the County is to make best efforts to accommodate the recommendations of the Local Development Council. Commissioner Brodie remarked that although there is some thought out in the public that the Rocky Gap funds are the Commissioners' "slush fund" and that they can do with the funds what they want, that is absolutely not true. Commissioner Brodie confirmed that the spending is controlled by the Local Development Council, for the County Commissioners to either approve or deny; but if the recommendation is denied, they had better have a good reason to do so.

Commissioner Shade remarked that this is another year of record funding from Rocky Gap, and Mr. Bennett confirmed that trend continues year after year since inception, starting with approximately \$800,000 the first year, and now at \$2,300,000.

Mr. Bennett reported that at its most recent meeting, the Local Development Council awarded \$410,000 in funds designated for municipalities and non-profits to various entities. He pointed out that total requests from municipalities and non-profits came to \$1,400,000. Mr. Bennett thanked County Attorney Bill Rudd for his assistance with the subcommittee which considered the requests and made recommendation to the entire Council.

Mr. Bennett reported that letters and, in some cases, checks will be issued within the next two weeks to the municipalities and non-profits who applied for funding. Commissioner Shade asked him to be sure that the recipients of the funding understand they are receiving a one-time payment. Mr. Bennett confirmed that State law provides the funding can only be for capital expenses. Commissioner Shade recommended that funding continue to be spread out among different non-profits. County Attorney Rudd added that all of the funds are being awarded for specific projects, and he pointed out that the Council will confirm the money was actually spent on the project for which the funds were requested. He remarked that the subcommittee did a really good job, and he acknowledged Mr. Steve Hout, one of the members of both the Local Development Council and the subcommittee, in the back of the meeting room this evening. Attorney Rudd also remarked that the three members of the Western Maryland Delegation who serve on the Local Development Council agreed with the funding awarded to non-profits and municipalities and also with the plan set forth in Resolution 18-29.

Upon Motion by Commissioner Brodie, and seconded by Commissioner Valentine, the Board of County Commissioners approved and passed Resolution 18-29 – Rocky Gap Slots Allocation.

**Item 3 – Fiscal Year 2019 Capital and Operating Assistance Grant Agreements** – Board of County Commissioners to accept and authorize the County Administrator to sign the FY 2019 Public Transportation Capital and Operating Grant Agreements. The grant agreements are to provide up to \$1,334,400 in federal funds, and \$463,695 in state funds, to be matched with \$405,667 in local funds – Roy S. Cool, Transportation Planner, informed the Commissioners that he was presenting the annual grant package as normally received, including three operating grants and one capital grant. Mr. Cool pointed out that this year, there is a fifth grant, which is for transportation development planning.

Commissioner Valentine moved that the Board of County Commissioners accept and authorize the County Administrator to sign the FY 2019 Public Transportation Capital and Operating Grant Agreements. Commissioner Brodie seconded the Motion. Motion carried to accept and authorize the County Administrator to sign the FY 2019 Public Transportation Capital and Operating Grant Agreements, which are to provide up to \$1,334,400 in federal funds, and \$463,695 in state funds, to be matched with \$405,667 in local funds

### **CONSENT AGENDA**

As recommended by the County Administrator

Upon Motion by Commissioner Brodie, seconded by Commissioner Valentine, and Motion carried, the Consent Agenda as recommended by the County Administrator is adopted.

**Item 4 – Resolution 18-26 – Cumberland Area Metropolitan Planning Organization Adoption of Maryland Transportation Performance Management Infrastructure Condition** – Board of County Commissioners, acting as the Metropolitan Planning Organization, authorized and adopted Resolution 18-26.

**Item 5 – Resolution 18-28 – Cumberland Area Metropolitan Planning Organization Adoption of Maryland Transportation Performance Management System/Freight/Congestion Mitigation and Air Quality** – Board of County Commissioners, acting as the Metropolitan Planning Organization, authorized and adopted Resolution 18-28.

**Item 6 – Canal Place Heritage Area Branding Project** – Board of County Commissioners awarded a contract to Chandlerthinks, LLC, Franklin, Tennessee, to perform the work described in their submitted proposal for the Canal Place Heritage Area Branding Project, for the amount of \$50,000, to include research, strategy and brand platform, creative development and brand storytelling, and a brand experience delivery plan.

**Item 7 – Memorandum of Understanding between Allegany County and the Mineral County Commissioners** – Board of County Commissioners authorized and approved the signing of the Memorandum of Understanding between Allegany County and the Mineral County Commissioners for colocation of emergency communications radio equipment on the county owned tower in Westernport, Maryland.

**Item 8 – Hamilton Relay Parking Lot Rehabilitation Bid Award** – Board of County Commissioners awarded a contract to Belt Paving, Inc., Cumberland, Maryland, to rehabilitate the Hamilton Relay, Inc. parking lot in the Frostburg Business Park which has deteriorated and needs resurfacing as well as drainage repair.

**Item 9 – Solid Waste Management Board Appointment** – Board of County Commissioners approved the appointment of Misty Joy to serve as a member of the Solid Waste Management Board, representing the Allegany County Health Department, for a two-year term.

**County Administrator Brandon S. Butler** wished Ms. Heather Wolford best of luck in her new job, and he also welcomed Mr. Greg Larry, who will take over County reporting duties for the Cumberland Times-News.

**Commissioners' statements, comments, recognition –**

**Commissioner William R. Valentine** reported that the final report of the Kirwan Commission is supposedly due by the middle of November 2018, but the Kirwan Commission meeting schedule he just received shows that meetings are now scheduled through almost the end of December. Commissioner Valentine said that even after his term of office as County Commissioner ends, he will continue to serve on the Kirwan Commission until the final report has been completed. He explained that his appointment to the Kirwan Commission is actually by the Legislature, and MACo has asked him to remain on the Commission until its work is done. Commissioner Valentine pointed out that the Kirwan Commission is actually in its 26<sup>th</sup> month of what was to have been a one-year study, with no end in sight yet.

**Commissioner Creade V. Brodie, Jr.** also thanked Heather Wolford and welcomed Greg Larry. He then expressed thanks to Paul Kahl, Adam Patterson, and Dan DeWitt of the County's Public Works Department. Commissioner Brodie commented that Allegany County is doing much better than its neighbors to the south in dealing with this year's excessive rainfall. He reported that as of this morning, Allegany County is at over 55 inches of rain since the first of May 2018, while the average rainfall in the County is 38 inches in a year. He added thanks to the County's Roads Department's supervisors and Roads Chief, who along with Mr. Kahl, Mr. Patterson and Mr. DeWitt have been busy trying to address all of the rain-related issues as best they can., with the most urgent issues being taken care of first. Commissioner Brodie remarked that his own phone has been ringing non-stop. He stated that everyone at County Government is doing the absolute best they can to take care of everyone's issues, and he urged everyone to make staying safe the number one priority.

**Commissioner Jacob C. Shade** also welcomed Mr. Greg Larry as County Reporter from the Cumberland Times-News, and told Heather Wolford that it has been a pleasure working with her. He then commented that as a resident of the City of Cumberland, he is very concerned about the bridges on the West Side. Commissioner Shade reported that work was being done today on Greene Street, which basically just shut down that side of the City. He mentioned that when Comptroller Franchot was in Cumberland last week, it took more than 20 minutes to travel from Allegany High School to Downtown Cumberland, which he remarked is not acceptable. Commissioner Shade offered his opinion that CSX does not care, that they are not concerned with emergency services personnel, police, or fire departments being able to get to residents on the West Side. He added that he hopes Senator Cardin, Congressman Delaney, and other public officials downstate continue to be involved with this issue. Commissioner Shade concluded his remarks by saying that the County will continue to work with CSX and with the City of Cumberland to try to come up with a solution, as the current condition of the bridges is "not safe and not acceptable".

**Constituents** – In order of sign-up sheet (No one signed up to speak at this meeting.)

**Reminders/Upcoming Meetings –**

**Next Public Business Meeting** – Thursday, October 4, 2018, 5:00 p.m.

**Announcement** – National Preparedness Month, September 2018

Disaster Happen. Prepare Now. Learn How. (See Attachments)

Week 3: Check Your Insurance Coverage

Week 4: Save for an Emergency

**ADJOURNMENT:**

There being no further business to come to the attention of the Board, the meeting was adjourned at 5:30 p.m.

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Jacob C. Shade, President

True Copy  
Attest:

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Cynthia A. Young  
Recording Secretary

RESOLUTION NO. 18-29

**WHEREAS**, the Board of County Commissioners are the recipient of 3.75% of Video Lottery Terminal (VLT) proceeds in the form of a local impact grant from the State of Maryland as the result of the slots operation at Rocky Gap Lodge and Casino

**WHEREAS**, the Board, intends to formally allocate set percentages of the proceeds from this grant to programs within the County

**WHEREAS**, the Board established an Allegany County Local Development Council to make spending recommendations for the local impact grant, and the Local Development Councils recommendations are listed below:

**NOW THEREFORE BE IT RESOLVED BY THE COUNTY COMMISSIONERS OF ALLEGANY COUNTY, MARYLAND, THAT:**

1. The Commissioners request the proceeds be allocated in the following percentages, based upon recommendations of the Local Development Council to be effective January 1, 2019, and through December 31, 2019:
  - a. The initial \$10,000 received will be allocated to fire companies in the immediate vicinity of Rocky Gap Casino and distributed quarterly based upon calls responded to at the Casino and reported by Emergency Services.
  - b. After the initial \$10,000 allocation, funds will be allocated as follows:
    - I. 20% to be allocated to Municipalities and Non-Profit Organizations located in Allegany County for capital projects and to be awarded based upon recommendations from the Allegany County Local Development Council
    - II. 17% to be allocated to the Allegany College of Maryland Foundation to be used as a scholarship program for Allegany County residents attending Allegany College and meeting the eligibility requirements as designed by the ACM Foundation. The amount distributed is not to exceed \$360,000 per fiscal year.
    - III. 9.25% to be allocated to the Frostburg State University Foundation to be used as a scholarship program for Allegany County residents attending Frostburg State University and meeting the eligibility requirements as set forth by the FSU Foundation. The amount distributed is not to exceed \$200,000 per fiscal year.
    - IV. 4% to be allocated to the Allegany County PAYGO fund to reduce the amount of future debt issues. The amount distributed is not to exceed \$80,000 per fiscal year.
    - V. 4% to be allocated to capital projects at the Board of Education that will be paid on a project by project basis after approval from the Commissioners. The amount distributed is not to exceed \$80,000 per fiscal year.
    - VI. 39.5% to be allocated to the Allegany County Fire & Rescue Companies with the oversight of the Allegany County Fire & Rescue Board. The amount distributed is not to exceed the fiscal year 17 amount of \$865,939.
    - VII. 2.25% to be allocated to local law enforcement agencies for the purchase of ballistic vests upon approval from the Allegany County Local Development Council. The amount distributed is not to exceed \$50,000 per fiscal year, and any excess funds are to revert to Allegany County Fire and Rescue Companies as per 1.b.VI.
    - VIII. 4% to remain as unallocated and awarded annually by the Allegany County Local Development Council. For the current year, these funds will go towards Allegany County's EMS program operation.
    - IX. The above allocations are based upon estimated proceeds of \$2,200,000. Any amounts in excess of this total will go towards Allegany County's Fire & Rescue Companies as per 1.b.VI for this calendar year.
2. For items I, II & III, a full accounting is to be made to the Commissioners on an annual basis regarding the use of the funds that have been supplied to each entity. This will be required prior to receiving additional disbursements from the fund.
3. These funds will be disbursed on a quarterly basis for items I through III and on a reimbursement basis for item VII.
4. The Finance Office will make a full accounting of this fund available to the Commissioners on no less than an annual basis.

*Adopted this 27<sup>th</sup> day of September, 2018*

**County Commissioners of Allegany County, Maryland**

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Jacob C. Shade, President

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Creade V. Brodie, Jr. Commissioner

\_\_\_\_\_  
William R. Valentine, Commissioner



# ALLEGANY COUNTY, MARYLAND

## Finance Office

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*Item 2*

### BOARD OF COMMISSIONERS

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

Jason M. Bennett, CPA, *Director of Finance*

### STAFF REPORT

**TO:** Brandon Butler, Esq. - County Administrator  
**FROM:** Jason M. Bennett, CPA – Director of Finance  
**DATE:** September 21, 2018  
**RE:** Rocky Gap Slots Allocation

For the Action Agenda on: September 27, 2018

### 1. BACKGROUND

As part of the legislation designating local impact grants to counties that have slots operations in their boundaries, the State of Maryland required each county to establish a local development council to make spending recommendations to the Commissioners. Each council is to be composed of 15 members made up from a combination of our legislative delegation, business and residential representatives from the immediate vicinity of the casino, and a casino representative. The Commissioners appointed this council on May 1, 2014, and asked them to begin deliberations, with the Director of Finance chairing the committee. After our mid-September meeting, an updated recommendation for the Commissioners is complete.

### 2. ISSUES

A spending plan was originally placed into effect December 19, 2013 to disburse the local impact grant received by Allegany County. This plan has been modified five times per the recommendations of the Local Development Council. As a result of the Local Development Council's annual required meetings and discussions, another modification to the spending allocation is being recommended. The council will continue to meet annually to analyze the results of the program and make any necessary changes.

At this time, the Council is very little in the way of changes, the first being simply moving the effective date of the resolution out until December 31, 2019. The second change to is to allow fire companies to receive any unexpended and un-needed amount that had been previously allocated for LEA vests, as they will have been purchased for all officers by the

end of 2019. Fire companies will also get any excess funds generated by the Rocky Gap slots that exceed allocated amounts.

### **3. FINANCIAL IMPACT**

There is no financial impact to the general fund, as these funds are accounted for in a special revenue fund. The budget for FY 2019 for these funds was \$2,356,988, and we are currently projecting to be on budget.

### **4. ALTERNATIVES**

State law indicates that “a county or municipality shall make best efforts to accommodate the recommendations of the local development council”. As a result, unless there is a recommendation that is illegal in nature or impossible to uphold, there are no other alternatives other than adoption

### **5. OTHER CONSIDERATIONS**

None.

### **6. CONFORMITY TO COUNTY POLICY**

Conforms to County policy.

### **7. RECOMMENDATION**

The Finance Department recommends approving this update to the Rocky Gap Slots Allocation.