

**Public Business Meeting
Minutes**

Thursday, March 21, 2024 - 5:00 PM

*Allegany County Office Building, 701 Kelly Road, Allegany Room 100
Cumberland, Maryland 21502*

WE ASK THOSE CITIZENS WISHING TO ADDRESS THE BOARD TO REGISTER ON THE SIGN-UP SHEET AND CONDENSE THEIR COMMENTS TO FIVE MINUTES OR LESS. THIS WILL ALLOW AN OPPORTUNITY FOR EVERYONE WISHING TO COME FORWARD TO HAVE A CHANCE TO SPEAK. WE WILL CONDUCT OUR MEETING IN AN ORDERLY FASHION AND ASK THAT EVERYONE WISHING TO SPEAK FIRST BE RECOGNIZED BY THE PRESIDENT, COME TO THE MICROPHONE, AND GIVE HIS OR HER NAME AND ADDRESS PRIOR TO THEIR COMMENTS.

1. Pledge of Allegiance

The Pledge of Allegiance was recited by those in attendance.

2. Call to Order & Roll Call

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 05:04 PM on 3/21/2024. Present: County Commissioner Creade V. Brodie, Jr., County Commissioner William R. Atkinson, County Commission President David J. Caporale, County Administrator Jason Bennett, County Attorney Lee Beeman.

3. Approval of Agenda

Commissioner Brodie asked to un-table the Rural Legacy Program Agreement of Sale and Deed Easement agenda item from the October 19, 2023 public business meeting.

Motion: Un-table, By: Creade V. Brodie, Jr., Seconded: David J. Caporale. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

Commissioner Brodie then asked to add this item to the Action Agenda for this evening's meeting.

Motion: Amend, By: William R. Atkinson, Seconded: David J. Caporale. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

4. Approval of Previous Meetings Minutes

Upon Motion made by County Commissioner William R. Atkinson, seconded by County Commissioner Creade V. Brodie, Jr., and duly carried, the Minutes from the previous public business meeting were approved by the Board of County Commissioners.

5. Presentations

6. Public Hearing

- A. Road Opening Petition for Two (2) Alleys Located in Bowman's Addition - **Wesley McKee, Esq.**
John P. Wertz, Jr. is petitioning the Board of County Commissioners to open the unopened portion of two (2) fifteen (15) foot alleys for the purpose of filing an additional Petition to have these alleys closed. These alleys are located in Bowman's Addition of Cumberland, Election District 5. Pursuant to Local Government 12-512 of The Annotated Code of Maryland, notice by publication in The Cumberland Times-News was given once a week for three (3) consecutive weeks. At the conclusion of the public hearing, the Commissioners, as advised by the County Attorney, took action to open the alleys and sign the order.
Motion: Approve, By: Creade V. Brodie, Jr., Seconded: William R. Atkinson. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.
- B. Hearing on Proposed Real Property Tax Rate Increase - **Jason Bennett, CPA, County Administrator**
Historically, this hearing was called the Constant Yield Hearing. During the 2023 legislative session, SB 114 was passed which changed portions of Tax-Property Article §2-205 and § 6-308. One of the main changes is that the setting of the Real Property Tax Rate is no longer dependent on the Constant Yield Tax Rate. When a taxing authority plans to impose a Real Property Tax Rate that is higher than the current year's Real Property Tax Rate, it must advertise the tax rate increase and hold a public hearing. Again, The Constant Yield Tax Rate is no longer part of this determination. For the taxable year beginning July 1, 2024, the Allegany County Commissioners of Allegany County propose to increase real property tax rates for the following municipalities as shown below:
- Barton from \$.8993 per \$100 of assessment to \$.9118 per \$100 of assessment.
 - Cumberland from \$.8183 per \$100 of assessment to \$.8248 per \$100 of assessment.
 - Frostburg from \$.8461 per \$100 of assessment to \$.8681 per \$100 of assessment.
 - Lonaconing from \$.8609 per \$100 of assessment to \$.8809 per \$100 of assessment.
 - Luke from \$.8593 per \$100 of assessment to \$.8787 per \$100 of assessment.
 - Midland from \$.8993 per \$100 of assessment to \$.9118 per \$100 of assessment.
 - Westernport from \$.8993 per \$100 of assessment to \$.9118 per \$100 of assessment.

The County is holding the regular tax rate for the unincorporated areas of Allegany County at .9750. We will be generating more taxes this year because the Property Assessments done by the State of Maryland have increased. On the unincorporated side, we will be collecting a little more than \$1 million.

Administrator Bennett opened the public hearing. He explained that an action was needed, that we have complied with State law by advertising and holding the public hearing. A member from the audience asked what the constant yield tax rate is for this year, to which Mr. Bennett answered, ".9351". She then asked if the taxes were going up, which Mr. Bennett then explained that we were not changing the tax rate from last year, which exceeds the constant yield tax rate, but because of assessments, property owners will be paying more in taxes than they did last year.

7. Action Agenda

- A. Bid Award for Contract No. ACM-24-01 - Willowbrook Outdoor Wellness Center Project - **Dan DeWitt, County Engineer**
The Department of Public Works recently held a public advertisement for bids for Contract No. ACM-24-01: Willowbrook Outdoor Wellness Center project. The project is being funded through Land Water

Conservation Fund, Program Open Space, and Local Parks & Playgrounds. The scope of work consists of earthwork and other necessary measures to construct a roadway, bridge, fitness court, walking trail, pavilion, and other elements as part of the initial phase of a larger outdoor recreation complex. Bids were opened on March 12, 2024 and Excavating Associates, Inc. is the lowest responsive, responsible bidder. Their total bid price is \$764,727.00, and needs approval from the Commissioners.

Motion: Approve, By: William R. Atkinson, Seconded: Creade V. Brodie, Jr.. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

- B. Downtown Cumberland Construction Impact Grant Awards - **Nathan Price, Economic Development**
The Allegany County Commissioners, along with the Mayor and City Council of Cumberland, approved grant funding in the amount of \$100,000 for certain businesses located in Downtown Cumberland that have been affected by construction. Now, seeking approval for the grant award recipients based on their qualified application, which are as follows:

- \$8,545 to: City Lights American Grill and Bar; Baltimore St. Grill; Fox and Madame; Western MD Music Center; Cafe Mark; M&M Bake Shop; Wheelzup Adventures; Downtown Hobbies and Toys; Ristorante Ottaviani; Fore Axes; and Coney Island.
- 3,000 to: Jahsha Wellness and Nancy Lepley Dance Studio

Motion: Approve, By: Creade V. Brodie, Jr., Seconded: William R. Atkinson. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

- C. Requesting \$345,000 to fund Allegany County/City of Cumberland Infill Development Incentive Program - **Nathan Price, Economic Development**

The County and City of Cumberland have been in discussions to develop incentives for numerous City of Cumberland-owned properties located in 5 different neighborhoods. These neighborhoods would be Maryland Ave, Arch St., Lee St., Pennsylvania Ave. and Knox St. Seeking approval for the County ask of \$345,000, which will equate to roughly \$15,000 per new housing unit that will be constructed. Teabow Residential will be the lead developer for these projects, and the City of Cumberland will manage the program.

Motion: Approve, By: Creade V. Brodie, Jr., Seconded: David J. Caporale. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

- D. Rural Legacy Program Agreement of Sale and Deed Easement pertaining to 230.631 acres of property situated south of Mount Savage Road and east of Cash Valley Road in Election District 29, and 116.5 acres of property situated off of Pine Ridge Road and Proenty Road in Election District 29 (Item untabled and added at the start of the public business meeting) - **Jason Bennett, CPA, County Administrator**

This item was tabled at the BOCC public business meeting held on October 19, 2023, and is now being un-tabled and recommended that the Commissioners approve the purchase of these easements through the Rural Legacy Program.

Motion: Approve, By: William R. Atkinson, Seconded: David J. Caporale. Yes: William R. Atkinson, David J. Caporale. No: Creade V. Brodie, Jr.. Abstain: None.

8. Consent Agenda

Motion: Approve, By: William R. Atkinson, Seconded: Creade V. Brodie, Jr.. Yes: Creade V. Brodie, Jr., William R. Atkinson, David J. Caporale. No: None. Abstain: None.

- A. Resolution 24-6, Rules and Regulations Governing Employees of Allegany County, Job Description for the position of Jane's Place Outreach Coordinator in the State's Attorney's office.

- B. FY24 Budget Amendments

At this point, seven budget amendments for FY2024 are needed for the general fund in the amount of \$3,467,840. This amount includes recognizing a net increase in personal property tax revenue of

\$800,000, a \$1.2 million increase in interest revenue, and \$1.9 million increase in recordation/transfer tax revenue. The increase in revenue is offset by various expenses, including \$162,660 for the employee vacation buyback program, \$250,000 for transfer to capital projects, \$12,500 for additional tourism expenses, and \$7,000 for additional drug court program expenses.

- C. Approve Purchase of Used Ford F550 Dump Truck for DPW - Roads Division
This is in the amount of \$52,000 from United Rentals, Branch 153 in Frederick, MD.
- D. Approval of Motorola Solutions Maintenance Agreement
This is for the Department of Emergency Services to upgrade their radio system equipment. The cost will be split over the next five years for a total of \$1,266,004.12 which is included in their operating budget.
- E. Approve MOU with MDOT SHA Regarding the Replacement of the Bel Air Pedestrian Bridge
There is no cost to the County, 20% local funding will come from the Board of Education. Total is \$400,000.
- F. Award Contract for Engineering Design Services for Oldtown WWTP Replacement Project to the EADS Group
This is in the amount of \$300,000 which will be covered by a grant from CDBG.
- G. Tax Lien Sale Service Agreement 3 Year Renewal with Realauction.com, LLC
The cost for this is \$10 for each certificate sold. Tax sale is slated for May 29, 2024.
- H. LETS Grant Acceptance for FY24 C3I Investigator Training from Governors Office of Crime Control & Prevention - \$7,787
This will go toward registration fees, tuition, meals, and lodging.
- I. Declaration of Surplus Vehicles - Fairgrounds
To be disposed of in accordance with County Policy. Items include a 1998 Ford Ranger Pickup Truck and a Mahindra Tractor.
- J. Declaration of Surplus Vehicles - Roads Division
To be disposed of in accordance with County Policy. Items include a 1996 and a 1999 International Dump Truck; and one skid of outdated roll up signs and sign stands.
- K. Declaration of Surplus Vehicle Parts - Transit
To be disposed of in accordance with County Policy. Items include a 2009 automatic transmission for an E-350; a rebuilt automatic transmission for an E-450 Diesel; one diffuse for International; and one tailpipe for International.
- L. Declaration of Surplus Vehicles - Utilities Division
To be disposed of in accordance with County Policy. Items include a 2011 Ford F-250 Super Duty Pick-Up; a 2012 Ford F-250 Super Duty Pick-Up; a 1986 CDS 715C Backhoe; and a 1985 Miller Bluestar 2E Welder.
- M. Declaration of Surplus Vehicles - Engineering Division
To be disposed of in accordance with County Policy. Items include a 2005 Ford Explorer and a 2008 Dodge Durango.
- N. Request to Travel: Waste Expo 2024 in Las Vegas, NV - Economic and Community Development
Economic Development Specialist, Adam Strott, and Senior Project Manager, Nathan Price, will be attending the Expo. Expenses will be covered by the Department and are not to exceed \$6,200.
- O. Request to Travel: World Circular Economy Forum 2024 in Brussels, Belgium - Economic and Community Development

Economic Development Specialist, Adam Strott will be attending the Forum. Expenses to travel will be covered by the Department and are not to exceed \$2,500. The cost to the event is free and by invitation only.

9. Public Comment

- Sandra Roeder of 613 Louisiana Ave in Cumberland, MD - Gave a shout out to all of the women of Allegany County who contribute to the County and City of Cumberland. Also, recognized the five women from our County who made the 2024 Maryland's Top 100 High Achieving Women who are making an impact in leadership, community service, and mentorship: Dr. Cynthia Bambara of ACM; Sara Beth Bittinger of FSU; Laurie Marchini of Cumberland City Council; Donna Edwards of Maryland State and DC AFL-CIO; and Dr. Diane Romaine of Lifetime Dental Care of Frostburg. She then thanked the Commissioners for their community service.
- Nancy Helen Brant of Bedford Rd/Acre Ln in Cumberland, MD - Concerned with the population decrease in the County and the increase in the cost of living, especially the increased amount paid for taxes due to rising assessments.

10. Reports

- A. County Administrator
Had no further comments to add at this evening's meeting.
- B. County Attorney
Had no further comments to add at this evening's meeting.

11. Commissioner Comments

- Commissioner Atkinson - The positive people have been chosen. We are planning a lunch to celebrate those people in the near future.
- Commissioner Brodie - Had no further comments to add at this evening's meeting.
- Commissioner Caporale - Had no further comments to add at this evening's meeting.

12. Reminders/Upcoming Meetings

- A. NEXT MEETING - Thursday, April 4, 2024, 5:00 PM

13. Adjournment

There being no further business to come to the attention of the Board, the meeting was adjourned at 05:38 PM.