

Public Business Meeting Minutes

Thursday, September 5, 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 05:00 PM on 9/5/2024. Present: County Commissioner Creade V. Brodie, Jr., County Commission President David J. Caporale, County Administrator Jason Bennett, County Attorney Lee Beeman. Excused: County Commissioner William Atkinson.

3. Approval of Agenda

Two items were presented for addition to the agenda this evening: (1) Agreement of Termination of Ground Lease with Frostburg State University and (2) Police Accountability Board Independent Contractor Agreement. Both items were presented by the County Attorney as part of the Action Agenda.

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

4. Approval of Previous Meetings Minutes

Upon Motion made by County Commissioner Creade V. Brodie, Jr., seconded by County Commission President David J. Caporale, and duly carried, the Minutes from the previous public business meeting were approved by the Board of County Commissioners.

5. Presentations

A. Chief Robert H. "Bob" Shimer Public Service Awards - Shannon Adams, Emergency Services Board Chair

This award is intended to honor the memory of Chief Shimer for his lifetime of tireless and selfless work in the area of public safety, especially in the fire and rescue discipline. Additionally, this award is intended to reward the efforts of a deserving individual or group who demonstrates a continuous,

effective or creative commitment to service the citizens of Allegany County in a manner commensurate with the way Chief Shimer did as he unknowingly set the standard for public service through his efforts to protect the citizens by strengthening the fire and rescue service. Present at the meeting were Dale Evans from LaVale Rescue and Scott Yates from Shaft Volunteer Fire Department. Chairman Adams spoke about each individual and then, along with the Commissioners, presented each person with a plaque and a county citation.

Another recipient of the award is Clarence "CB" Broadwater from Good Will Fire Company No. 1. Mr. Broadwater was out of town and unable to attend the Commissioners meeting, and therefore, will be presented his award at a later meeting of the Good Will Fire Company.

The Commissioners congratulated and thanked all recipients for their efforts of public service to the citizens of Allegany County.

6. Public Hearing

7. Action Agenda

A. Application for Manufacturer's Tax Exemption Credit for AES Warrior Run - T. Lee Beeman, Jr., County Attorney

Authorized under the State Code, an application was filed by AES for personal property equipment that they purchased during the 2023 to 2024 fiscal year. Essentially, the tax credit allows them to receive credit for up to \$50,000 worth of equipment purchased. They submitted documentation of about \$5.4 million worth of equipment that was purchased, and are applying for this tax credit. Mr. Bennett added that they have been in discussions with AES, and our Department of Economic and Community Development just met with them today to discuss future plans for the site.

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

B. Approval of Applicants for the Business Expansion Deferred Loan (BEDL) Program - Nathan Price, Senior Project Manager

A few months ago, the Commissioners approved allocation of \$100,000 from the Revolving Door Fund in order to establish a Business Expansion Deferred Loan program. In order to be a qualified applicant, the business must meet with the Small Business Development Center to create a business plan with financial projections; they must submit a narrative indicating how much money they need and what they need it for, and if they get funding, how it will benefit their business. There are three qualified applicants up for approval: (1) Locust Post Brewery is asking for \$10,000 to help purchase canning equipment. (2) Queen City Creamery is asking for \$10,000 to help purchase commercial kitchen equipment. (3) Chew on this Jerky is asking for \$30,000, and is matching this amount, in order to purchase a new route vehicle and trailer.

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

C. Resolution 24-16 Recognition and Designation of Allegany Arts Council as County Arts Agency for Allegany County, Maryland - Julie Westendorff, Allegany Arts Council Executive Director

The Allegany Arts Council is a nonprofit organization that has served our community for almost 50 years. The Arts Council receives more than half of its annual operating fund through a grant from the Maryland Department of Commerce and the Maryland State Arts Council (MSAC) Arts Development Program. In order to maintain that funding, the Arts Council is required to collect benchmarking data

and file reporting typical in other grant administration. Last year, MSAC added to items to their guidelines. The first was a formal review of the strategic plan for all 24 County Arts agencies and the second was the adoption of a formal resolution that announces the Arts Council as the official umbrella organization for the Arts in our County. Ms. Westendorff then shared some things about the Arts Council, including their purchase of a new property located at 123 Baltimore St. before the Commissioners took action on the adoption of this Resolution.

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

- D. Sale of Western Maryland Works Training Center and Makerspace Real Property to Allegany College of Maryland - **Jason Bennett, County Administrator**

Several years ago, the Commissioners took action to develop the Maker Space building located at 37 Lane Ave in LaVale. Over the years, it has morphed into what is now known as the Western Maryland Works Training Center run by Allegany College of Maryland. ACM has completely taken over operations of that building. The County Attorney has drafted up a sales agreement for the transfer of that building from the County to ACM. ACM will contribute \$850,000 to acquire the building and fully take it over. Once the agreement is completed and signed, there will be more discussion of details and a presentation of some of the things that they do out there at a future public meeting.

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

- E. Agreement of Termination of Ground Lease with Frostburg State University (Item added at the start of the BOCC Public Business Meeting) - **T. Lee Beeman, Jr., County Attorney**

Over 20 years ago, the County entered into a long term 99 year ground lease with FSU to acquire a piece of property adjacent to the University that ultimately had the ABC building built on it. In discussions with FSU, as they look to move forward with that building, we've made an agreement to terminate our ground lease with FSU and turn those improvements in our position with the ground lease back over to FSU. As part of the original agreement, we were to receive rental income from any tenants that were profitable within that building, and then would have a liability to pay rent back to FSU upon the conclusion of that lease. In order to come to an agreement on the termination of this lease, we've negotiated a reduced rent accrual amount of \$500,000 that the County will pay to them as part of this termination. That will then be presented to the University's Board of Regents and ultimately to the State Department of Public Works for approval. This evening, the Commissioners are being asked for their approval of the agreement, which will then be forwarded through the State's process.

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

- F. Police Accountability Board Independent Contractor Agreement (Item added at the start of the BOCC Public Business Meeting) - **T. Lee Beeman, Jr., County Attorney**

During the 2021 legislative process, the State of Maryland entered the Police Accountability Act, which establishes certain criteria and requirements to establish the Police Accountability Board. As part of that process, the County is responsible for Trial Boards in the event that an officer is disciplined and files an appeal to a Trial Board. The Chairman of the Trial Board has to be a retired judge. Judge Victor Butanis from Harford County is willing to serve as our Trial Board Chair, and presented to the Commissioners this evening is an independent contractor agreement to hire Judge Butanis as the Chair of that board on an as needed basis.

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

8. Consent Agenda

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

- A. Accept the Allegany County Police Recruiting & Retention (PRAR) FY25 Grant from GOCPP in the amount of \$20,571
This would be for retention incentives for deputies.
- B. Accept the Allegany County Sheriff's Office PACT Program Grant from GOCCP in the amount of \$35,000
This will assist with the cost of the required body worn cameras. This amount is much less than we anticipated so further action will need to be taken in coming meetings.
- C. Accept the Allegany County State's Attorney's Office Diversion FY25 PIGF Grant in the amount of \$124,584
- D. American Rescue Plan Funding Request for Sewer Manhole Rehabilitation
This is for an amount not to exceed \$80,000.
- E. Board of Zoning Appeals Re-appointments of Gabriel Grant and Mark Farris
Both will be re-appointed to three-year terms, which will expire on September 25, 2027.
- F. Community Event Promotions Request for Western Maryland Jaycees' Lights on the Lake
This is in the amount of \$700.
- G. FY25 Program Open Space Annual Plan Approval
This plan was presented at the previous BOCC public meeting. No comments or questions were received regarding the plan, and this will be adopted as it was presented.
- H. Local Highway Safety Plan Adoption
MDOT's Highway Safety Office requires this plan as part of grant funding for future infrastructure improvements.
- I. Request for Tax Abatement
This is from the City of Cumberland for three properties totaling \$6,478, and these properties will all be redeveloped by the City.
- J. Resolution 24-15 Rules and Regulations Governing Employees of Allegany County, Maryland
This includes revisions to align with our current procedures, most of which are based on the evaluation process.

9. Public Comment

Constituents – In order of sign-up sheet:

- Dan Williams of 12916 St. Georges Ln in Mount Savage - Came to discuss and ask for updates on the cell tower in Mount Savage.

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 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, September 19, 2024, 5:00 PM

13. Adjournment

There being no further business to come to the attention of the Board, the meeting was adjourned at 05:31 PM.