

July 23, 2020

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.; County Administrator Jason M. Bennett; and County Attorney T. Lee Beeman, Jr. The following business was transacted:

The Pledge of Allegiance was recited by all present.

Before proceeding, Commissioner Shade explained that Commissioner Caporale was not able to be present at this evening's meeting because he was out of town.

MOTION

There were no additions or deletions to the Agenda.

MOTION

Upon Motion by Commissioner Brodie, seconded by Commissioner Shade, and Motion carried, the Commissioners approved the Minutes of the July 9, 2020, public business meeting.

ACTION AGENDA

Item 1 – Code Home Rule Bill 1-20 – Introduction – “County Code Chapter 360, Part 4 Zoning Banquet/Assembly Hall Text Amendment – Amy C. Stonebreaker, Planner, explained that she was present on behalf of the Department of Planning & Growth to introduce Code Home Rule Bill 1-20. Mrs. Stonebreaker presented background and information regarding this Code Home Rule Bill, a Zoning Code text amendment, as set forth on the Staff Report on the subject submitted by Angie Patterson dated May 15, 2020, a copy of which is attached to and made a part of these Minutes. She announced that Public Hearing on the Bill would be held in the Commissioners Meeting Room 100 on Thursday, July 27, 2020. Mrs. Stonebreaker concluded her presentation of Item 1 by asking the Commissioners if they had any questions.

Commissioner Brodie asked if a Motion was needed to introduce Code Home Rule Bill 1-20. County Attorney Lee Beeman said that a Motion was not necessary for introduction of the Bill. The Commissioners had no additional questions.

Item 2 – Ratification of Labor Management Agreement with Fraternal Order of Police Lodge #144 Allegany County Sheriff's Office – Correctional Division – Board of County Commissioners to approve the final Labor Management Agreement between Allegany County and the Sheriff's Correctional Division, FOP Lodge #144 – T. Lee Beeman, Jr., County Attorney, asked the Board of County Commissioners to take action to approve and ratify the Labor-Management Agreement for the Sheriff's Office – Correctional Division, with FOP Lodge # 144.

Commissioner Shade thanked Attorney Beeman for his work in the negotiations for the Correctional Officers Agreement.

Upon Motion made by Commissioner Shade, and seconded by Commissioner Brodie, the Board of County Commissioners approved the final Labor Management Agreement between Allegany County and the Sheriff's Correctional Division, FOP Lodge #144.

Item 3 – Frostburg State University COVID-19 Testing Program – Board of County Commissioners to authorize the County Administrator to advertise to accept bids for 200 COVID-19 tests to be administered to Frostburg State University Students and Faculty for seven consecutive weeks commencing on August 10, 2020. This will assist Frostburg State University in re-opening and will be paid for with Federal CARES funding – Jason M. Bennett, CPA, County Administrator, asked the Commissioners' permission to put out to bid 200 COVID-19 tests to be administered to Frostburg State University students, faculty, and staff as they come back to campus. Mr. Bennett provided background and information for this request, as set forth on his Staff Report on the subject dated July 20, 2020, a copy of which is attached to and made a part of these Minutes.

Commissioner Brodie moved that the Board of County Commissioners authorize the County Administrator to advertise to accept bids for 200 COVID-19 tests to be administered to Frostburg State University Students and Faculty for seven consecutive weeks commencing on August 10, 2020, to assist Frostburg State University in re-opening and to be paid for with Federal CARES funding. Commissioner Shade seconded the Motion. Motion carried to approve and authorize the advertisement for bids.

Item 4 – City of Frostburg Enhancement Program Loan Forgiveness – Board of County Commissioners to authorize the forgiveness of an \$80,000 loan given to the City of Frostburg for acquisition of the former Au Petit restaurant. These funds will be utilized for the Center Street

Project to ensure its completion – Jason M. Bennett, CPA, County Administrator, presented background and information on this Item, a request for the Commissioners to forgive an \$80,000 loan made to the City of Frostburg, as set forth on his Staff Report on the subject dated July 20, 2020. A copy of this Staff Report is attached to and made a part of these Minutes.

Upon Motion made by Commissioner Brodie, seconded by Commissioner Shade, and duly carried, the Board of County Commissioners authorized the forgiveness of an \$80,000 loan given to the City of Frostburg for acquisition of the former Au Petit restaurant, with these funds to be utilized for the Center Street Project to ensure its completion.

CONSENT AGENDA

As recommended by the County Administrator

Before action was taken by the Commissioners on the Consent Agenda, County Attorney Lee Beeman offered some clarification on Item 8 – Rural Broadband Expansion Contract Approval. Attorney Beeman explained that this is an expansion of the current contract that the County has with CONXX to help administer Allconet and rural broadband projects. He pointed out that it is not subject to bidding. The Commissioners and County Administrator Bennett commented on the great need for this project.

Upon Motion by Commissioner Brodie, seconded by Commissioner Shade, and Motion carried, the Board of County Commissioners adopted the Consent Agenda as recommended by the County Administrator.

Item 5 – Allegany County Department of Social Services Board Appointments – Board of County Commissioners approved the re-appointments of Kati Kenney, Mark Farris, and Brianna LaVorgna as members of the Allegany County Department of Social Services Board. Their terms will expire June 30, 2023.

Item 6 – Gun Violence Reduction Grant – Board of County Commissioners authorized the Sheriff's Office to accept funding from the Governor's Office of Crime Control and Prevention in accordance with the STOP Gun Violence Reduction Grant – Cease Fire Council, in the amount of \$13,000. The main focus of this program is to target hot spots in the county through increased surveillance and targeted crackdowns based on credible intelligence information.

Item 7 – Property and Casualty Insurance Renewal – Board of County Commissioners approved and authorized the President to sign an agreement with Travelers Insurance to renew Allegany County's Property and Casualty coverage for Fiscal Year 2021.

Item 8 – Rural Broadband Expansion Contract Approval – Board of County Commissioners approved a quote of \$345,073 from CONXX for Rural Broadband expansion in the Eilerslie and Flintstone areas. Partial funding for this project comes from a Department of Housing and Community Development grant through the Governor's Office of Rural Broadband as approved in October 2019.

County Administrator Jason Bennett had no further comments to make at this evening's meeting. He wished County Attorney Beeman a Happy Birthday.

County Attorney Lee Beeman had no further comments to make at this evening's meeting.

Commissioners' statements, comments, recognition –

Commissioner Creade Brodie acknowledged Captain Dan Lasher of the Allegany County Detention Center, present in the audience at this meeting, and thanked Captain Lasher for his efforts in contract negotiations for the Detention Center. Commissioner Brodie then also recognized Mr. Jimmy Pyles, Director of Emergency Services for Allegany County, and thanked him for all he does for the County.

Commissioner Jacob Shade acknowledged Human Resources Director Kristi Liller and Public Information Officer Bretta Reinhard, also present at this evening's meeting.

Constituents – In order of sign-up sheet –

Mr. Kenneth Wilmont, of 513 Fort Avenue, Cumberland, said that first he wanted to pay his respects to Mr. Rudd (former County Attorney William Rudd), saying that he missed him, and commenting that he was a nice guy and a real asset to the County.

Mr. Wilmont then addressed the issue of a request made at a previous Commissioners' meeting by Mrs. Carmen Jackson for erection of a statue and a plaque, saying that he was not in favor of that request or of any request for a statue or monument. He also discussed the ongoing protests and violence in the country and said that it is "time for the nonsense to stop".

Commissioner Jacob Shade then provided an update on the CARES Act funding distribution, reporting that \$1,055,538 has been awarded to 219 small businesses, and another \$299,965 awarded to 29 hotels and motels (basically, any business that paid hotel/motel tax and was current on those tax payments). Commissioner Shade summarized that the County has put \$1,355,503 right back out into local businesses, moving as quickly as possible. He invited any business that hasn't yet applied for this funding to do so.

Reminders/Upcoming Meetings –

Next Public Business Meeting – Thursday, August 6, 2020, 5:00 p.m.

ADJOURNMENT:

There being no further business to come to the attention of the Board, the meeting was adjourned at approximately 5:15 p.m.

Jacob C. Shade, President

True Copy
Attest:

Cynthia A. Young
Recording Secretary



ALLEGANY COUNTY DEPARTMENT OF PLANNING & GROWTH

701 Kelly Road | Cumberland, Maryland 21502
301-777-2199 | www.alleganygov.org

BOARD OF COUNTY COMMISSIONERS

Jacob C. Shade, *President*
Creade V. Brodie, Jr.
David J. Caporale

Brandon S. Butler, Esq.
County Administrator
Angela R. Patterson, P.E.
Director

MEMORANDUM

TO: Planning Commission Members

FROM: Angie Patterson, P.E., Director of Planning and Growth

RE: **Proposed Zoning Code Amendment – Banquet/Assembly Halls**

CC: Brandon Butler, County Administrator
Lee Beeman, Acting County Attorney
Jim Squires, Chief, Division of Land Development Services
Jeff Barclay, Director of Economic & Community Development

DATE: May 15, 2020

BACKGROUND

Due to recent interest expressed in the establishment of banquet/assembly halls in Allegany County, staff have identified the need to generate regulations specific to this use.

GOALS

The goals for formulating regulations specific to banquet/assembly halls are as follows:

1. Provide clear direction for banquet/assembly halls to be permissible within certain zoning districts and with certain development standards.

PROPOSED LANGUAGE

§360-59 Definitions and Word Usage

Add:

BANQUET/ASSEMBLY HALL – Any place of business maintained for public rental for the purpose of private party events, whether family, group, or corporate in nature, where access by the general public is restricted, and with or without the sale, serving, or consumption of food and/or alcoholic beverages.

§360 Attachment 2, Table 1, Table of Permissible Uses

Add:

	R-1	R-2	B-1	B-2	I	GU	A	C*
Recreation/Amusement/Entertainment								
Banquet/Assembly Hall (See §360-?)	<u>x</u>	<u>x</u>	PC	PC	<u>x</u>	PC	SC	SC

ARTICLE XVI Supplementary Use Regulations

Add:

§360-? Banquet/Assembly Halls shall be permitted in the B-1, B-2 and GU Districts and may be permitted as a special exception by the Board of Appeals in the A and C Districts, subject to the following conditions:

- A. Projects shall conform to §360-135, General development standards, as applicable.
- B. A fifty-foot screening buffer is required along the side and rear lot lines in the A and C Districts.
- C. Provisions for off-street parking and loading shall conform to requirements in §360-139.
- D. New and existing farm structures, for the purposes of being constructed and/or renovated and utilized as a banquet/assembly hall, are not considered agricultural structures and, therefore, are not exempt from meeting the requirements of Chapter 255, Building Construction.
- E. Projects shall conform to §360-136, Commercial, industrial and institutional development standards.
- F. Projects may be subject to the site development plan review/approval process. Refer to §360-76.



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Creade V. Brodie, Jr.

David J. Caporale

Jason Bennett. *County Administrator*

Vacant *Director*

James A. Squires Jr. *Division Chief, LDS*

June 17, 2020

Recommendation – Chapter 360 Part 4 Zoning

On Wednesday, June 17, 2020, the Planning Commission of Allegany County met virtually via the zoom.us platform.

As part of the agenda, a public hearing was held for a proposed text amendment to County Code Chapter 360, Part 4 Zoning to address the use of Banquet/Assembly Halls in certain zoning districts.

No public attended the hearing, which was advertised in the Cumberland Times-News on Monday, June 1, 2020 and posted on the County's website beginning May 29, 2020.

No comments were made prior to or during the hearing. At the conclusion of the public hearing, the Planning Commission voted unanimously to recommend the proposed text amendment to the County Code Chapter 360, Part 4 Zoning to address the use of Banquet/Assembly Halls in certain zoning districts, to the Board of County Commissioners for their consideration.

Signed on behalf of the Planning Commission of Allegany County


Steve MacGray, Chair 06/17/2020
Date

Attachment: Allegany County Maryland, Chapter 360, Part 4 Zoning dated June 17, 2020



ALLEGANY COUNTY, MARYLAND

Finance Office

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Item 3

BOARD OF COMMISSIONERS

Jacob C. Shade, *President*
Creade V. Brodie, Jr.
David J. Caporale

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

STAFF REPORT

TO: Jason M Bennett, County Administrator
FROM: Jason M. Bennett, CPA – Director of Finance
DATE: July 20, 2020
RE: FSU COVID-19 Testing Program

For the Action Agenda on: July 23, 2020

1. BACKGROUND

The COVID-19 crisis has transformed everything about our life and community. Frostburg State University (FSU) is working through this as they begin the process of trying to bring students in for the fall semester of classes.

2. ISSUES

To ensure the safety of the students, faculty, staff and community, FSU would like to be able to hold clinics to test up to 200 students and staff on a weekly basis for COVID-19. To do this, they would like to bring in an independent lab to conduct the test and analyze the results.

3. FINANCIAL IMPACT

Allegany County is able to provide up to \$160,000 in federal CARES dollars to assist in carrying out this testing as FSU does not have existing funding in place to cover the cost of this work. We will pay the winning vendor directly for tests administered on FSU's behalf up to our total allocation of \$160,000.

4. ALTERNATIVES

Allegany County's code require that we bid this service due to the dollar amount and nature of the service. While time is very tight as the fall semester is approaching, we will

place this bid online for a period of one week and will hope to award a bid at our next commissioner meeting on August 6, 2020.

5. OTHER CONSIDERATIONS

None.

6. CONFORMITY TO COUNTY POLICY

Conforms with County policy.

7. RECOMMENDATION

The Finance Department recommends allowing the RFP so that we can begin the process of COVID-19 testing for FSU.



REGIONAL DEVELOPMENT & ENGAGEMENT
FROSTBURG, MD 21532-2303
PHONE: 301.687.3017
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July 20, 2020

Honorable Jacob C. Shade, President
Allegany County Board of County Commissioners
Allegany County Complex
701 Kelly Road
Cumberland, MD 21502

Attention: Jason M. Bennett, via email

Dear Commissioner Shade:

I want to thank you and the Board of County Commissioners for the allocation of \$160,000 in federal CARES Act funds towards COVID-19 testing of Frostburg State University students and employees.

With the funds allocated by Allegany County, FSU is planning to have administered approximately 200 monitoring tests that will be conducted on campus periodically. We anticipate beginning with a every two weeks open-testing schedule, beginning the week of August 10, 2020 throughout the Fall semester. This plan is subject to change based on circumstances and test findings. FSU also intends to submit symptomatic student COVID-19 test samples to the vendor selected by Allegany County, at the expense of the students' insurance carrier or the University, not to be paid from the allocation provided by Allegany County.

As per a request received from Mr. Jason Bennett, I am submitting this letter to you to further clarify Frostburg State University's preferred methods and circumstances for the COVID-19 testing protocols in order to optimize the decision-making process on campus, respond quickly to data indicating the spread of the virus and safeguard public health in our community. Quickly obtaining test results is critical information for Frostburg State University and public health officials at the County and State level on which to base decisions.

To that end, FSU will require test results from the open test clinics (individuals with no symptoms or known exposure to COVID-19) within 24-hours of sample delivery. For samples obtained from students who are symptomatic or with known exposure to COVID-19 (not to be paid from the Allegany County allocation), test results must be provided to the Brady Health Center within 48-hours of sample delivery.

Thank you for your help with this critical public health issue,

Sincerely,

A handwritten signature in black ink, appearing to read "Al Delia".

Al Delia
Vice President

cc: Dr. Ronald H. Nowaczyk, President



ALLEGANY COUNTY, MARY

Finance Office

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J. Bennett

BOARD OF COMMISSIONERS

Jacob C. Shade, *President*
Creade V. Brodie, Jr.
David J. Caporale

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

STAFF REPORT

TO: Jason M Bennett, County Administrator
FROM: Jason M. Bennett, CPA – Director of Finance
DATE: July 20, 2020
RE: City of Frostburg \$80,000 Community Enhancement Loan Forgiveness

For the Action Agenda on: July 23, 2020

1. BACKGROUND

During the fall of 2017, Allegany County awarded the City of Frostburg \$160,000 to acquire the former Au Petit restaurant located at 84-88 East Main Street. \$80,000 of this amount was in the form of a loan to be repaid within three years. The purpose of this was to allow the City time to rehab and sell the building.

2. ISSUES

At this time, the City of Frostburg has not been able to sell the building as planned. The City has made a request to the County asking for us to forgive the \$80,000 so that those funds can be repurposed to help make their Center Street redevelopment project a reality. The \$80,000 would be applied to the 8 properties acquired on Center Street and their demolition.

3. FINANCIAL IMPACT

Allegany County has a \$80,000 loan receivable recorded on our books that would need to be written off. While the cash has already been disbursed, this would cause an extra expenditure on the books. We have the funds in place in our revolving building fund to cover this forgiveness.

4. ALTERNATIVES

Not funding this forgiveness would require Frostburg to reach out to other sources to try to complete their Center Street project, delaying or halting valuable redevelopment and ultimate increase in the tax base.

5. OTHER CONSIDERATIONS

None.

6. CONFORMITY TO COUNTY POLICY

Conforms with County policy.

7. RECOMMENDATION

The Finance Department recommends forgiving this loan to the City of Frostburg.



City of Frostburg

W. Robert Flanigan
Mayor

Commissioners

Donald L. Carter, Jr.
*Commissioner of
Finance*

Kevin G. Grove
*Commissioner of
Public Safety*

Nina Forsythe
*Commissioner of
Water, Parks and
Recreation*

Adam Ritchey
*Commissioner of
Public Works*

Elizabeth Stahlman
City Administrator

July 15, 2020

The Honorable Jake Shade, President
Allegany County Commissioners
701 Kelly Road
Cumberland, MD 21502

Dear Mr. Shade:

The City of Frostburg is pleased to inform Allegany County that all 8 residential properties on Center Street in Frostburg, as part of the redevelopment project, have been acquired. The City was able to reallocate DHCD grant funds awarded to the Au Petit to the Center Street Project to ensure its completion this year. We are very appreciative of the generous support of Allegany County through the Community Enhancement Program for both of these projects.

As you know, this September, 3 years will have passed since the City acquired the Au Petit and the City is obligated to repay the County \$80,000 (50% of the purchase price). It was originally anticipated that the building would sell for at least \$80,000 and that those funds would be returned to you. Unfortunately, to date, we have been unsuccessful in attracting a developer to the project, but we are continuing to seek investment at this time.

We write to respectfully request your consideration of forgiving the City of Frostburg of the \$80,000 in lieu of loan repayment to the County. Those funds would be directed to the demolition of the 8 properties on Center Street; it is imperative those properties are razed as soon as possible to make way for new development and improve the aesthetics of the community in the meantime. As part of the agreement with the County for the Center Street project, the City will repay the County a ratable portion of the proceeds when the Center Street property is sold.

Thank you in advance for your consideration. Should you have any questions, please feel free to contact me or Elizabeth Stahlman at 301-697-9168.

Warm regards,

W. Robert Flanigan, Mayor

cc: Jason Bennett, CPA, County Administrator
Jeff Barclay, Director of Economic and Community Development
Elaine Jones, CPA, Finance Director, City of Frostburg