

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, December 7, 2010**

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
John Savich, County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:00 am.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Morgan, to approve the minutes of the meeting of Tuesday, November 23, 2010. Motion carried 5-0.

APPROVAL OF CHECK REGISTER

Commissioner Jones moved, seconded by Commissioner Morris, that the checks for bills dated November 23, 2010, be approved as submitted by staff. Motion carried 4-1. Commissioner Jarboe voted nay.

BOARD OF COUNTY COMMISSIONERS APPOINTMENTS, ADOPTION AND AUTHORIZATION

1. BOCC VICE PRESIDENT FOR 2010-11

Commissioner Jarboe moved, seconded by Commissioner Morris to appoint Commissioner Cindy Jones as the Board of County Commissioners Vice Chair for 2010-2011. Motion carried 5-0.

2. MACO LEGISLATIVE COMMITTEE MEMBER AND ALTERNATE

Commissioner Morgan moved, seconded by Commissioner Jarboe to appoint Commissioner President Jack Russell to the MACO Legislative Committee as a member and Commissioner Cindy Jones as alternate. Motion carried 5-0.

3. TRI-COUNTY COUNCIL COMMISSIONER REPRESENTATIVE AND AT LARGE MEMBER

Commissioner Jarboe moved, seconded by Commissioner Morris, to appoint Commissioner Todd Morgan as the Board of County Commissioners member and to reappoint Mary Lynn Stone as the Citizen At-Large member to serve on the Tri-County Council. Motion carried 5-0.

4. ST. MARY'S COUNTY COMMISSIONER REPRESENTATIVE TO THE TRI-COUNTY COUNCIL'S VETERANS COMMITTEE

Commissioner Jarboe moved, seconded by Commissioner Jones, to appoint Commissioner Dan Morris to serve as the Board of County Commissioners Representative to the Tri-County Council's Veterans Committee. Motion carried 5-0.

5. BOCC 2011 MEETING SCHEDULE

Commissioner Morgan moved, seconded by Commissioner Morris, to adopt the 2011 Board of County Commissioners Meeting Schedule as was presented. Motion carried 5-0.

6. AUTHORIZATION TO SIGN CHECK REGISTER WHEN NO MEETING IS SCHEDULED

Commissioner Morgan moved, seconded by Commissioner Jones, to authorize Commissioner President Russell, or his Commissioner Designee, to review and sign the weekly Check Register in the event that a weekly Commissioner's Meeting does not take place and no Commissioner voices opposition to the proposed payments. Motion carried.

COUNTY ADMINISTRATOR

1. Draft Agenda for December 14, 2010 and December 21, 2010.

2. **Circuit Court** (*Pete Cucinotta, Coordinator, Drug Court Programs*)

(Dr. Kathleen O'Brien, Executive Director, Walden/Sierra, Inc; MaryEllen Kraese, Coordinator, Charles County Juvenile Drug Court; The Honorable Michael Stamm, Judge of the Circuit Court)

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and accept the Justice and Mental Health Collaboration Program Grant Award project US1128 from the U.S. Department of Justice in the amount of \$249, 817, and to authorize the Commissioner President to execute the related Sub-recipient Agreements between the County and Walden/Sierra, Inc., County Commissioners of Charles County Maryland, and the Dept. of Social Services on behalf of the Circuit Court, and execute the budget amendment reducing the budget to match the award. Motion carried 5-0.

(Cynthia Graham, Director, Big Brothers Big Sisters of Southern Maryland., Inc.; Dr. Kathleen O'Brien, Executive Director, Walden/Sierra, Inc.; Sarah Tyson, Flow Mentoring Coordinator, St. Mary's County Public Schools; The Honorable Michael Stamm, Judge of the Circuit Court; Leann Cronbaugh, Big Brothers Big Sisters)

Commissioner Morris moved, seconded by Commissioner Jarboe, to approve and accept the Juvenile Drug Court Mentoring and Support Services Initiative Grant Award, project US1130 from the U.S. Department of Justice in the amount of \$298,163, and to authorize the Commissioner President to execute the Sub-recipient Agreements between the County and Walden/Sierra, Inc. and Big Brothers Big Sisters, on behalf of the Circuit Court; and the budget amendment reducing the budget in accordance with the award. Motion carried 5-0.

3. Department of Public Works and Transportation *(George Erichsen, Director)*

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize the Commissioner President Russell to execute the Supplemental Agreement to the Lease with AirTec, Inc. and the State of Maryland to support Maryland State Police MEDEVAC operations out of the new helicopter hangar at St. Mary's County Regional Airport, revising the Commencement Date of the lease to November 1, 2010. Motion carried 5-0.

4. Department of Economic and Community Development *(Bob Schaller, Director; Carol Laray, Tourism Manage; Rebecca Deprey, Administrative Coordinator)*

Commissioner Morgan moved, seconded by Commissioner Jones to approve and authorize Commissioner President to execute the FY2011 County Cooperative Marketing Grant Agreement, Project #MD1117 from the MD Tourism Development Board in the amount of \$59,291, and the related budget amendment reflecting a decrease in grant funding. Motion carried 5-0.

5. Department of Finance (*Elaine Kramer, Chief Financial Office; Ben Beale, Executive Director, Cooperative Extension*)

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the budget amendment moving \$23,153 of unspent funds in FY2010 from the Cooperative Extension budget to the Commissioner Emergency Reserve. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the budget amendment transferring funds in the amount of \$241,382 from the Department's Frozen Position Reserve Accounts to the Revenue Stabilization Reserve. Motion carried 5-0.

ST. MARY'S COUNTY METROPOLITAN COMMISSION: REQUEST APPROVAL TO ENTER INTO LOAN AGREEMENTS WITH MD DEPT. OF THE ENVIRONMENT WATER QUALITY FINANCE ADMINISTRATION FOR ADDITIONAL WELL TO SERVE THE ST. CLEMENTS SHORES AREA

Present: Jacquelyn Meiser, Director/Legal Counsel, St. Mary's County Metropolitan Commission
Rebecca Shick, Chief Financial Officer, St. Mary's County Metropolitan Commission

Ms. Meiser noted that the St. Mary's Metropolitan Commission adopted a resolution in October approving a loan with the Maryland Department of the Environment (MDE) Water Quality Finance Administration, not to exceed \$450,000.00, for construction of a back-up well to serve the St. Clements Shores area. This loan accomplishes the Metropolitan Commission's Capital Plan reviewed by the BOCC in May 2010. Section 113 of the County Code requires all debt incurred by the Metropolitan Commission be approved by the Board of County Commissioners (BOCC).

Commissioner Morgan moved, seconded by Commissioner Jones to approve, as evidenced by the signing of the necessary legal documents, the action by the St. Mary's County Metropolitan Commission to enter into loan agreements with the Maryland Department of the Environment Water Quality Finance Administration for an amount not to exceed \$450,000 from the Clean Water Revolving Loan Fund; and that we authorize the Commissioner President, County Administrator, and County Attorney to execute the related documents within the authority granted previously, including the general certificate, with respect to these bonds. Motion carried 4-1. Commissioner Jarboe voted nay.

Commissioner Jarboe asked how many years the current well has not had a back up. Ms. Meiser will obtain this information and provide to the Commissioners.

COMMISSIONER'S TIME

Commissioner Morgan thanked citizens for their support and suggested they call if they have questions or concerns.

Commissioner Jarboe noted the board will start Budget meetings on the 21st of December but suggested that it might be a good idea to start now to see where the Board stands on this issue as we go into this budget cycle. He stated he made a commitment to the voters to support constant yield and sticks by that. He asked that Mr. Savich include in his communication to departments the possibility of a 5% cut across the board, and if it is a non-county agency, you might want them to prioritize.

Commissioner Jones recently participated in the Wrap Arms Around Many (WARM) program, a joint initiative among St. Mary's County Government, businesses and other entities in the area to provide nighttime shelter for homeless or temporary displaced individuals during the winter months. This is the second year in existence and could be a model for how to accomplish initiatives while being sensitive to the economy. She encourages more partnerships within the community.

Commissioner Morris said he is adamantly opposed to raising property taxes. He is asking everyone, directors and citizens, to do some innovative thinking, to think out of the box to find ways to maintain current level of service with the current County dollars.

Commissioner Russell attended the Silent Angel Program at the Bay District Fire House sponsored by Sheriff's Dept in remembrance of many people from the County who were killed by violence. He noted the Holidays are upon us and encouraged citizens to shop locally and eat locally.

PUBLIC FORUM: HELD AT THE CHESAPEAKE BUILDING, 41770 BALDRIDGE ST., LEONARDTOWN, MD

Commissioner President Russell opened the Public Forum at 6:30 pm.

Public Comments. *(Comments as noted below are intended as highlights of testimony given and are not verbatim)*

1. GENERAL COMMENTS FROM THE PUBLIC

Sam Baldwin, Hollywood, MD 20636

Chair of Special Events Committee for Historic St. Mary's City Foundation. Wants to hold special event similar to Oktoberfest to raise money for St. Mary's City Museum. Proposed spring timeframe for function so not to interfere with other scheduled events like the Oyster Festival, County Fair or Sotterly Wine Tasting. This type of function requires a special statute. A statute similar to ones already on books was drafted; however the proposal was submitted past the deadline. Request Commissioners consider submitting this proposed statute as a part of their Legislative package. Good for tourism in County, good for citizens and good for St. Mary's City Museum.

Amy Henderson, Leonardtown, MD

President of National Alliance on Mental Illness (NAMI) and member of Human Services Council. Want to raise awareness of Mental Illness issues in the County and across the country. Need to address mental health issues for teenagers as that is when most are diagnosed with the illness. Many homeless individuals suffer from this illness. St. Mary's County has largest number of Veterans in state of Maryland, many of whom suffer from PTSD. Requested the board not cut human services of any type in the County.

2. ADDITIONAL PUBLIC COMMENTS ON A LEGISLATIVE PROPOSAL THAT WAS PRESENTED AT A PUBLIC MEETING ON NOV. 9 TO CLARIFY THAT MEMBERS AND EMPLOYEES OF THE ST. MARY'S COUNTY METROPOLITAN COMMISSION ARE SUBJECT TO THE PROVISIONS OF THE ST. MARY'S COUNTY PUBLIC ETHICS ORDINANCE AND COMMENTS ON RECOMMENDATIONS OF THE FINAL REPORT OF THE METROPOLITAN COMMISSION TASK FORCE OF JUNE 2, 2010, AND IN PARTICULAR, ON RECOMMENDATIONS NO. 10, 11 AND 14.

Kurt Fisher, 6225 Smith Ave. Baltimore, MD

Lawyer from Baltimore representing Board of Directors for Metropolitan Commission. Reviewed 3 recommendations made by the METCOM Task Force. Recommendations that METCOM employees are subject to St. Mary's County Public Ethics Ordinance, that METCOM General Counsel hold no other position in METCOM and that METCOM Director have no outside employment other than incidental or intermittent would be disruptive to the organization. METCOM has effective leadership. Senior management structure of the organization would change if proposed Legislative Proposals are passed. METCOM holds its employees to the highest standards. Does not feel literal application of County Ethics is applicable to METCOM employees. Could have serious implications which would affect the operations of METCOM.

Ben Burroughs Jr., Mechanicsville, MD

Worked a deal with METCOM for water system 25 years ago and was allowed free service for a period of time. Time is up for free water and the bill is now \$2,500 per month for my shopping center. Ms. Meiser doing a fine job. Satisfied with service. Ms. Meiser is very smart. Think before Commissioners do anything that would stop her from working at METCOM. She is a real asset.

Robert Jarboe, 20040 Pear Hill Rd., Leonardtown, MD 20650

Member of the Task Force. Speaking tonight on my own behalf. During the Task Force meetings nothing was brought up on any individual. Look at ethics; it is very thin line between conflict and appearance. No problem with ethics if we require Boards and Commissions to file. Stand behind Commission report and recommendations.– has nothing to do with who's in the position. Need oversight by somebody.

Joe Densford, P. O. Box 537, Leonardtown, MD 20650

Member of METCOM Task Force. Speaking on my own behalf. Organizations need structure and governance. When you have ethical standards you don't do ethical standards to fit your behavior you fit your behavior to the ethical standards. Surprised it has taken this long to resolve this issue. Not only support proposal but you may be surprised that I think it does not go far enough. I don't think that it will implement all of the task force's recommendations. It may preclude outside representation by the Director of private clients in front of other County agencies. Only way to make point is to write into law. Disappointed it takes that to make the Metropolitan Commission see the light. Ten people unanimously supported the recommendation. Request County Attorney write into law.

3. ADDITIONAL PUBLIC COMMENTS ON PROPOSED CHANGES TO THE LOCAL BUILDING CODE (WHICH IS BASED ON THE INTERNATIONAL BUILDING CODE) WHICH WERE PRESENTED AT A PUBLIC HEARING ON NOV. 9. (INCLUDED IS A NEW REQUIREMENT THAT FIRE SPRINKLERS BE INCLUDED IN ALL SINGLE FAMILY HOMES CONSTRUCTED AFTER THE EFFECTIVE DATE, INCLUDING HOMES SERVED BY PRIVATE WELLS. CURRENTLY FIRE SPRINKLERS ARE ONLY REQUIRED IN ONE-AND TWO-FAMILY RESIDENTIAL CONSTRUCTION SERVED BY PUBLIC WATER.)

Keith Fairfax, 46516 Walnut Ct., Lexington Park, MD 20653

Represented Bay District Fire Department. Member of Code Council. Asked the Commissioners if issue comes before them that impacts the fire department to ensure the fire department is aware of issue. International Residential Code (IRC) is the best practice code. It's a public safety issue. Firefighters more at risk with light weight construction. Support delaying implementation until 2012. Suggested Commissioners watch Marble Mountain DVD. Provided documentation for the record.

Charles Bryson, 39308 Persimmon Creek Rd, Mechanicsville, MD

Certified Building Inspector. Originally was against this because I thought it had to be implemented the first of the year. Great idea for sprinklers, needs to be done, but should stretch over time. Plumbers in St. Mary's County are willing to take this on and learn a new trade, but it takes time to educate them. Explained inspection of trailers – Maryland requires that one out of every ten be inspected.

Thomas Mattingly, Jr. P. O. Box 69, Leonardtown, MD 20650

Explained incidents over the last few years that the outcome might have been different if sprinklers were present. 2005, Loveville area, structural fire, subject trapped on second floor, was able to get individual out but unable to resuscitate him. May 2009, house fire, medical alert tag around individual's neck notified firefighters, individual located on second floor, individual did not make

it. August 2009 house fire on Medley Neck, ceiling collapsed on firefighters. Asked Commissioners to support Building Code. Cost is a drop in bucket to what a family endures if they lose a loved one.

Thomas Mattingly, Sr., 41580 Yoke Ct., Leonardtown, MD 20650

Past President Maryland State Firemen's Association. Asked that Commissioners pay attention to all building code recommendation and not just the sprinklers. No members of Fire Service on BOCA board, only builders. Fire/Rescue was not consulted or even aware of the local process until notified by former commissioner. Agree with January 1, 2012 date recommended by staff. Recommend current Tax Credit Program be continued which is scheduled to sunset Jan 1, 2011. Defer adopting building code for three months so new Commissioners can be briefed by the ones that risk their lives every day to protect life and property. Local plumbers can install these systems today due to changes in the State Fire Code by the Maryland State Fire Prevention Commission. Concern over cost, yet documents and testimony suggest cost at \$1.00-\$1.50 per sq. ft. Current program good but it could be argued it was done in reverse; rural areas, those on wells, have the longest response time and are at a greater risk with longer distances from a fire station. You read about houses that burned to the ground in the press, you never hear of the one that is saved by a sprinkler system. You are not adopting a sprinkler code you are adopting an entire building code. Provided documentation for the record.

Willy Wilkerson, 38845 Pilkerton Lane, Mechanicsville, MD 20659

Past President of Mechanicsville Fire Department. Representing the Southern Maryland Firemen's Association. Safety is main concern. Concerned with safety of firefighters – these are the few that protect the many. Supports 2009 IRC.

Joe Guyther, Mechanicsville, MD 20659

In regard to the Amish, I share respect for that community. Must treat Amish community with respect; try not to intrude on them. Charles County has code but does not enforce on Amish residential. Not an issue for their way of life in Amish and Mennonite community. In the next year of service one of your constituents will suffer a catastrophic loss of their home. Asking to make jobs easier and safer for firefighters by adopting this ordinance. Aware cost versus safety impacts decisions but asking those making the decision to think of firefighters. Ask for your support.

John Edwards, 45915 Town Creek Shop Lane, California, MD 20619

Sprinklers at its face are an excellent idea for residential homes. In a residential home 95% of people die from smoke inhalation not from fires. Insurance Companies do not give discount for sprinklers anymore. Concern with what happens when system has set there for 20 years never activated – will it work - no absolute answer. Feel sorry for firefighters. Look at some way to get rid of smoke problem. Charcoal briquettes start fires on back porches. Against sprinklers as sole solution.

Joe Gould, 20659 Three Notch Rd, Lexington Park, MD 20653

Fire Chief of Bay District Fire Dept. Pulled many people out of houses and trailers. In the fire service we are all about being proactive. Our fire department spent 2,000 man hours doing proactive initiatives, like going into schools and businesses. This year's initiative was going door to door in trailer parks providing approximately 750 smoke detectors and 250 batteries for existing

detectors. Do not know of any sprinkler system that doesn't activate after 20 years. Suggested Commissioners be proactive and get further education on sprinklers before making a final decision. Suggested bringing sprinkler demonstration system for Commissioners to see.

Mike Stanley, 48750 Kessler Way, Lexington Park, MD 20653

Past Chief of Bay District Fire Department. Proud to serve community from 1999-2004. Asked Commissioners to approve. Working hard to reduce fire fatalities. Why would you not want to use technology to reduce fire deaths?. During January 8, 1989, 0602 Sunday morning, residential fire, 4 children trapped in structure. Bay District, Lexington Park and Hollywood were dispatched to residential structure fire. Bay District arrived in 6 min. You are lucky in this County as every single fire dept practices aggressive interior fire fighting, the ability to enter a structure, and using this type of tactic, we attempt to cut off the fire to keep it from spreading. That morning even though the fire consumed most of the structure, firemen used this tactic to enter the house because four children were inside the structure. He then displayed a jacket worn by the one of the fireman who made a valiant attempt to save those children. You have the ability to save lives with or without jacket.

Duane Suites

Representing State Fire Marshal's Office. 85% of fire deaths occur in the home. Fire deaths include smoke inhalation. Smoke alarms cut death rate in homes 50% - 97% with sprinklers. Mobile homes are defined as mobile vehicles so therefore they do not require sprinkler system. Prefabricated homes require sprinklers. Fire Sprinklers are designed to prevent loss of life not prevent the fire. See this as growing pains for society. In the future we will look back and say this is a good thing. Information on benefits of residential sprinklers was presented for the record along with 2 DVDs entitled, "Marble Mountain."

Deb Ray, 18364 Chestnut St., Lexington Park, MD 20653

Against making this mandatory. Good litmus test - if it doesn't apply to the Amish why should it apply to the rest of us.

Jim Bacot, Hollywood, MD 20636

Was here at first meeting in 2007 when we adopted the central water system and sprinklers. Need to postpone adoption of this so we can work out the details and work in gradually. In due time, we can work it in so that it is amenable to people instead of just sticking people with a big bill. Germans have a system that does not require a tank. Would like this postponed until 2012.

Commissioner Morris requested any paperwork Mr. Bacot has on the German System. Mr. Baycot will provide.

Charles Bryson, 39308 Persimmon Creek Rd, Mechanicsville, MD

Mr. Mattingly and the others in this room are talking about sprinklers and sprinklers are only a small part of the Code. There are other items in the code that the board has recommended that you need made aware of.

Curtis Grice, 41480 New Wathen Way, Mechanicsville, MD 20659

Listened with interest. Want to ask question. You mentioned Amish and Mennonite – what do we plan to do for them if we adopt this requirement? Is there a tried and proven system that we have to offer them which requires no electricity? Is it cost effective, or are we going to work in an exemption for them. That is a question you Commissioners need to answer before you adopt this ordinance. We need to be careful that we don't intrude on personal rights. Here you also have a religious issue as well. Just keep that in mind as you look at this issue.

Thomas A. Mattingly Sr., 41580 Yoke Ct., Leonardtown, MD 20650

There is a system that has been under test evaluation by MD Fire and Rescue Institute for several years. It is used in the hotel industry. It is high pressure system that runs through stainless steel tubing and uses a cylinder or compressed air to provide pressure to engage the water. Takes a small amount of water supply. Needs no electricity.

Commissioner President Russell closed the Public Forum at 8:20.

ADJOURNMENT

The meeting of the Board of County Commissioners adjourned at 8:21 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)