

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, January 10, 2006**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Donna Gebicke, Administrative Assistant (Recorder)

The meeting was called to order at 10:10 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register as presented and to authorize the payment of the property taxes for the Sandgates Cell Tower in the amount of \$259.62, with the understanding that the check will be processed on or before Thursday, January 12th. Motion carried 5-0.

APPROVAL OF MINUTES

Approval of the minutes of the Commissioners' meeting of December 20, 2005, was deferred until January 17, 2006.

MUSICAL PRESENTATION

The Park Hall Elementary School chorus performed a medley of original songs led by their music teacher and choral director Julia Wolfe and accompanied on the keyboard by Mr. George Winslow. The Commissioners presented Julia Wolfe with a commendation in recognition of her selection as St. Mary's County Teacher of the Year.

COUNTY ADMINISTRATOR

1. **Draft Agenda for January 17 and 24, 2006.**
2. **Department of Land Use and Growth Management** (*Teresa Wilson, Historic Preservation Planner; Jeff Jackman, Senior Planner*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Certified Local Government Educational Set-aside Grant Application to the Maryland Historical Trust to seek funding for the Historic Preservation Commission and staff to attend the annual preservation conference. Motion carried 5-0.

3. **Department of Public Works and Transportation** (*George Erichsen, Director*)
 - a. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and sign a Resolution accepting extension of Wildewood Parkway, located in the Wildewood Subdivision, Misty Pond, 3rd Election District, into the County's Highway Maintenance System. Motion carried 5-0**
 - b. **Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the Deed conveying to the County Kedges Boulevard, Oxford Drive, Choptank Place, Easton Court, Bellevue Court, Tred Avon Court and Tilghman Place, located in the Cedar Cove Subdivision, Section 9 (Kedges Strait), 8th Election District. Motion carried 5-0.**
 - c. **Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign three Resolutions as follows: (1) to adopt Kedges Blvd., Oxford Drive, Choptank Place, Easton Court, Bellevue Court, Tred Avon Court and Tighlman Place into the County's Highway Maintenance System; (2) to erect stop signs at the intersections of said roads; and (3) to post 25 mile per hour speed limits on said roads. Motion carried 5-0.**
 - d. **Commissioner Mattingly moved, seconded by Commissioner Jarboe to approve and authorize Commissioner President to sign Budget Amendment closing out project PF7390 (College of Southern Maryland Phase II construction) and returning remaining funds to the Finance 06 CIP Reserve. Motion carried 5-0.**
4. **Public Safety Department** (*Tim Cameron, Director; Tim Bennett, Mgr., Emergency Mgmt.*)
 - a. **Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the Memorandum of Understanding between MD Dept. of the Environment and St. Mary's County Local Emergency Planning Committee making grant funds available to local Emergency Planning Committee. Motion carried 5-0.**
 - b. **Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the Maryland Institute for Emergency Medical Services ALS**

Training Grant as awarded for continuing education of paramedics. Motion carried 5-0.

5. Department of Economic and Community Development (*John Savich, Director; John Norris, County Attorney*)

- a. **Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt as a St. Mary's County policy, the Maryland Department of Housing and Urban Development's Section 3 Plan that requires all activities receiving funding from the Department of Housing and Urban Development to make efforts to ensure that individuals or firms located in, or owned in substantial part by persons residing in the project area, are used when possible. Motion carried 5-0.**
- b. **Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the Minority-Owned Business Enterprise/Women-Owned Business Enterprise Plan as required for projects receiving funding from the MD Dept. of Housing and Urban Development, to ensure that efforts are made to use small, Minority-Owned Business Enterprises (MBEs) and Women-Owned Business Enterprises (WBEs) and labor surplus area businesses when possible. Motion carried 5-0.**

6b. County Administrator's Office (George Forrest)
(*6a was deferred to later in the day*)

Commissioner Mattingly moved, seconded by Commissioner Raley, to appoint Cynthia Brown (reappointment), Laine Doggett, Kevin Lee Grant, Donald E. Lewis (reappointment), Larry Polsky, and Andree Wells to the Community Health Advisory Committee and to reappoint Robert Richardson to the Recreation and Parks Board. Motion carried. 5-0.

COMMISSIONER TIME

Commissioner Dement

Attended Education Association's Legislative breakfast.

Attended Installations for 7th District Rescue Squad and Auxiliary and Leonardtown Volunteer Fire Department.

Along with the other Commissioners, joined Preservation Maryland and Congressman Hoyer's Office to announce the \$200,000 Save America's Treasures grant for the preservation of Southern Maryland Tobacco barns at the Spalding tobacco barn in Hollywood and also unveiled at "Preserve America" sign across from the tobacco barn.

Congratulations again to Julia Wolfe on being selected as St. Mary's County Teacher of the Year.

Commissioner Mattingly

I was able to spend time with 7th District Volunteer Rescue Squad and Auxiliary Installation of Officers at their reception before heading off to the Leonardtown Fire Department for their annual Installation of Officers Banquet. Congratulations to both volunteer organizations on another strong year of service.

Congratulations to the Education Association/Collective Employees Association of St. Mary's County/Calvert on their legislative breakfast meeting. There was good representation from the legislature. Senator's Miller and Dyson attended, along with Delegate Wood and others.

Stopped by the Northern Senior Center Open House over the weekend. They had a great response as illustrated by the overflowing parking lot. Many new people were signing up to be on the mailing list for program notices. Hopefully, this will spur interest in this center and others.

Attended the MACO Conference in Cambridge. It was a good conference and I was able to bring back some materials that will be of interest to the other Commissioners and staff. Cambridge is experiencing some of the same things as St. Mary's in terms of revitalization efforts, so it was interesting to travel around the town to see how they are meeting the challenges.

The entire Board would like to extend our condolences to the Thompson family on their tragic loss from the auto accident this week and also to the Vallandingham family on their loss.

Commissioner Jarboe

I was presented with a check Saturday night for \$5.00 that was sent by the County to a lady and the bank did not cash it and also charged her a \$10 penalty. I would like to ask Mr. Forrest to ask the Finance Department to look into this. It may have been a bank problem, but we need to determine the cause and see that the citizen receives the \$5.00, along with a reimbursement for the penalty charge.

Commissioner Raley

We get invited to a lot of events, particularly at this time of the year with the installation of officers and other activities, and we often have a conflict with more than one event per night. The Hollywood Fire Department event and the retirement ceremony for Mr. Waxman are both on the same night. We will try to attend both, but sometimes it is just

not possible. Request that staff take a look at a fence that is in disrepair on property owned by the County at the Pax River back gate by the Frank Knox Center and determine if cost of repair needs to be in this year's budget submissions. We learned recently where the County stands regarding recycling, and I was amazed to hear that we didn't fare very well compared to other counties. When I visit the Convenience Centers it appears that citizens are making great efforts to recycle. Request that Rick Taar look into this and let us know how these statistics were gathered. Request that staff also provide the Board with a status report on the Visitors Center and the new meeting room addition.

Thanks to all for their concern regarding my father. He is out of intensive care and doing much better.

Commissioner President McKay

The MACo Conference does provide a good opportunity. One of the best sessions I have ever attended was one on eminent domain. Leading attorneys from the state on both sides of the issue provided a wealth of information. The conference provides an opportunity to learn and use the knowledge to

benefit the citizens. Commissioner Mattingly sharing the information with other Commissioners and staff helps to maximize the lessons learned. Meeting with other elected officials and learning how they are meeting the same challenges is always beneficial.

I apologize for missing the Legislative Breakfast. We need to be aware that while the Teachers Association is actively pursuing additional funds for pension programs -- which they need, since their fund is among the lowest in the country -- it can be difficult to try and catch up all at once. There was talk at MACo about the counties picking up 50% of that cost, and of course, it's taxpayer's money, whether it is state or county. It is a tough issue and we will need to closely monitor where the legislature is going to go on this in order to manage our budget effectively.

LOCAL MANAGEMENT BOARD

The Commissioners traveled to the James Forrest Technology Center for the launching of the Local Management Board's new website, "St. Mary's County Network of Care Community Guide for Children and Family Services," which will provide online information for the individuals, families, and agencies involved with services for children and youth ages 0-18.

MARYLAND COOPERATIVE EXTENSION

Present: Ben Beale, Co-Acting County Extension Director and Agriculture and Natural Resources Educator
Sonya Mann-McFarlane, 4-H Family, Youth and Communities Educator
Liat Mackey, Co-Acting County Extension Director and Family and Consumer Sciences Educator

Mr. Beale reviewed the overall mission of the Maryland Cooperative Extension and updated the Commissioners on agricultural science and research activities. The Extension's goals are to develop, integrate and deliver relevant and accurate, research-based knowledge and educational programs and to engage communities, groups and agencies in decision making to achieve economic prosperity, stewardship of resources, and improved quality of life. Ms. Mann-McFarlane provided an update on 4-H activities, and Ms. Mackey reported on the family and consumer sciences programs.

CHAMBER OF COMMERCE: ADEQUATE PUBLIC FACILITIES TASK FORCE PRESENTATION

Present: Jack Candela, Chairman, APF Task Force
John Parlett, APF Task Force Member
Pat Mudd, APF Task Force Member
Bill McKissick, Chairman of the Board, Chamber of Commerce

Bill Scarafia, President, Chamber of Commerce, and other Task Force members
Kimberly Howe, St. Mary's Public Schools, APF Task Force Participant

Mr. Candella opened the presentation with an explanation of the organizational structure and mission of the Task Force. The Task Force's mission is to ensure the continuation of a vibrant economy in St. Mary's County through implementation of APF provisions in the St. Mary's County Zoning Ordinance

which: (1) allow growth at levels which are reasonable and historically supported; (2) allow the County to plan for and provide adequate public facilities in a timely manner; and (3) protect the quality of life in St. Mary's County as required by the Comprehensive Plan. The purpose of the presentation was to present the Task Force's preliminary findings concerning historical growth rates in the County; to inform of a disconnect between the Zoning Ordinance method of determining adequacy of school capacity and the actual school enrollment growth projections; and to commence a dialog to develop specific recommendations for changes to the Zoning Ordinance that give the County the tools to achieve the stated goals.

Mr. Parlett presented an extensive analysis of the county's growth patterns which he said indicated a misconception regarding the amount of growth in St. Mary's County. The average annual increase in dwelling units from 1992 to 2004 was 2.65%, and 2.83% from 2000-2004. The average annual increase in dwelling units from 2000 to 2004 with multi-family projects averaged over the 1992 to 2004 period was 2.06%. Average increase in population was 1.53% and 2.09% for the respective time periods. The average annual school enrollment was 1.83% and 1.86% for the respective time periods. The combined average (including dwelling units, population, electric meters and public schools) annual increase for 1992-2004 and for 2000-2004 was 2.08%. Pat Mudd reviewed the County's current development approval process and timeline. Under the current APF Ordinance, school seats are allocated and students counted as present in schools in year one, when they actually arrive in school in years four through ten.

Kimberly Howe stated that the school system is not endorsing any specific recommendations regarding the APF Ordinance at this time, but has provided information to assist with the understanding of the school systems enrollment projection and capital improvement program processes and regulations.

The Task Force's next step is to engage additional, interested stakeholders in the community to develop specific recommendations for changes in the APF Ordinance to achieve the goals set forth. These stakeholders will include: parent-teacher organizations, agricultural community, and environmental community members. The group will consider changes in applicable laws and ordinances which: encourage a unified growth policy in the County, encourage the approval of projects based on phasing schedules, provide for an APF Ordinance which looks beyond the 6 year CIP, and provide mechanics for adequate school funding to support the growth policy.

The Task Force was also asked to look at job growth as part of their recommended strategy, along with how the transfer tax plays into the bigger picture.

BANK ERROR

Mr. Forrest reported back to the Commissioners on the returned check issue that was brought to the table earlier by Commissioner Jarboe. The check was not returned for insufficient funds. An error on the part of the bank caused the check to be returned. The bank is in the process of correcting this error.

EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Raley, to enter into Executive Session in order to discuss matters of Personnel, as provided for in Article 24, Section 4-210(a)1. Motion carried 5-0.

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George Forrest, County Administrator
Donna Gebicke, Administrative Assistant (Recorder)

Authority: Article 24, Section 4-210(a)1
Time Held: 5:05 – 6:05 pm
Action Taken: The Commissioners discussed personnel matters.

COUNTY ADMINISTRATOR, PART II

6a. Commissioner Jarboe moved, seconded by Commissioner Mattingly to authorize Commissioner President to sign the employment contract for John Savich. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Mattingly to authorize Commissioner President to sign the employment contract for Bob Kelly. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Mattingly to authorize Commissioner President to sign the employment contract for George Forrest. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Mattingly to authorize Commissioner President to sign the employment contract for George Erichsen. Motion carried 3-2, with Commissioners McKay and Raley voting no.

Commissioner Jarboe moved, seconded by Commissioner Mattingly to authorize Commissioner President to sign the employment contract for Jennifer Fabbicante. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Mattingly to authorize Commissioner President to sign the employment contract Phil Rollins. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Mattingly to authorize Commissioner President to sign the employment contract for Sue Sabo. Motion carried 5-0.

ACTION FROM EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to direct staff to proceed as discussed in Executive Session regarding Cynthia Brown's request for payment of excess leave. Motion carried 5-0.

PUBLIC HEARING: PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWER PLAN

Tazelaar Property (CWSP#05-132-017)

Present: Jeff Jackman, Senior Planner, Land Use and Growth Management
Dean Beck, Contract Purchaser of the Property
Billy Mehaffey, Project Engineer

Notice of the public hearing was published in the December 25, 2005, and January 1, 2006, issues of *St. Mary's Today*. The purpose of the hearing was to propose amendments to the service maps III-34 and IV-34 to change the service area category from W-6 and S-6 (service in 6-10 years) to W-3D and S-3D (service in 3 to 5 years, developer financed) for 6.22 acres described as Tax Map 34, Grid 16, Parcels 33 and 441 in the 8th Election District, in anticipation of the construction of 15 homes.

Mr. Beck noted for the record that it takes an inordinate amount of time to do a water category change in St. Mary's County. If there is any way we can change the process, especially in the development district, to make it easier on land owners and developers, it would be appreciated.

Billy Mehaffey

We are required by the Ordinance to connect to public water and sewer in the development district. It doesn't make sense to have to amend the water and sewer plan to allow for what is already a requirement. There is a piece of legislation that says a public hearing is required; however, I believe that it's for sewer category change, not for water. There is no mention of water in that legislation. Legislatively, the Board can do something that says you don't have to have a public hearing process to make sure to allow for planning to do what is required. *The Commissioners directed Mr. Norris and Mr. Canavan to report back to the Board with their recommendations on this matter.*

The hearing was opened for public comments.

Patrick McGonagal, resident of California and Post Mgr. of VFW

Looking at the drawing, it appears the sewer line is going right up the middle of the driveway to the VFW on the access from 235. *The response was that the sewer will go beside the road and that the road to the VFW will not be disturbed.*

As there were no additional comments from the public, the Commissioner President closed the public hearing and stated that the record will remain open for ten days for submission of written comments.

Virginia Knolls (CWSP #05-132-009)

Present: Jeff Jackman, Senior Planner, LUGM
Benny Potter, Contract Purchaser
Jerry Nokelby, Nokelby Surveying, Project Engineer

Notice of the public hearing was published in the December 25, 2005, and January 1, 2006, issues of *St. Mary's Today*. The purpose of the hearing is to propose amendments to the service maps III-34 and IV-34 to change the service area category from W-6 and S-6 to W-3D and S-3D for 20 acres described as Tax Map 34, Grid 2, Parcel 327, in the 6th Election District, in anticipation of the construction of 100 townhouse units.

Jerry Nokelby

Glad to hear you are willing to look into streamlining the water and sewer change category process. If it is mandatory to hook into water and sewer in the development district, the process shouldn't take a year. The proposal before you is to connect to existing water service off of Mervel Dean Road. We have made an offer to MetCom to place a regional pumping station at the existing entrance that will alleviate sewer failure problems in the neighborhood.

Benny Potter

We plan to build a nice 3-story townhouse that will be good for the community, but also plan to make it affordable. The homes will be sprinkled. I ask that you approve the project.

The hearing was opened for public comment.

James Francisco, 24005 Rustic Way, Hollywood

I oppose the amendment. I attended the Planning Commission meeting when this was discussed and understand the benefit, but my concern is the long-term impact on the community. Accelerating the time line on the water and sewer plan could exceed the rest of the infrastructure being in place. The intersection near the proposed site already experiences a lot of accidents. This much growth in such a short time will not be a benefit to the community, but a short-term benefit to a few. I ask that you not approve it or send it back to the Planning Commission for further re-evaluation.

Mr. Potter noted that the project is a year out in engineering and development should be 20-25 homes per year, based on sales.

As there were no additional comments from the public, the Commissioner President closed the public hearing and stated that the hearing will remain open for 10 days for submission of written comments.

PUBLIC FORUM

The forum was opened for public comment.

Sherry Malson, 45221 Shannon Street, Hickory Hills North, Great Mills

I attended your September 13th public forum and was promised that someone would contact me to talk about the extension of the bond for Hickory Hills. I want to know when the County is going to stop renewing the Liberty Home Builders bond for phase II. I have a stormwater drain in my backyard that

it is not complete. It serves no purpose, as no water is directed to the stormwater drain. I want to know when this is going to be corrected. I also mentioned on September 13th that there is a sinkhole that is two feet deep in my yard that was repaired twice by Liberty Homes only by covering up the culvert with plastic and then covering with dirt. Since then, the sinkhole has found another place in my yard. Now my back fence is not stable because of this. I didn't hear from anyone after the September 13th meeting. I called and spoke with Denis Canavan who put me in contact with Willie in Public Works. At that time, Willie wasn't sure whether or not the bond was extended. My main concern is getting this drain fixed. *Commissioner McKay asked Mr. Forrest to arrange for a visit to Ms. Malson's to include himself, Mr. Forrest, and someone from Public Works, within the next 10 days to see what can be done. Ms. Malson asked to be notified when staff was coming. Commissioner Raley also wanted to be notified when the visit will take place.*

Jim Jennings, Kingston Creek

I live on Kingston Creek, parallel to Myrtle Point. Sediment run-off is a major problem in my area. I have invented a machine that compresses soil into tongue and groove blocks that can be used to build retaining walls and other structures. *The Commissioners received a demonstration on the compressed blocks.*

ADJOURNMENT

The meeting adjourned at 7:09 p.m.

Minutes Approved by the Board of County Commissioners on _____

Donna Gebicke, Administrative Assistant