

ST. MARY'S COUNTY

BOARD OF COUNTY COMMISSIONERS' MEETING

GOVERNMENTAL CENTER

Tuesday, January 13, 2004

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

George G. Forrest, County Administrator

Donna Gebicke, Administrative Assistant (Recorder)

(Commissioner Daniel H. Raley was absent)

CALL TO ORDER

The meeting was called to order at 9:12 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Dement moved, seconded by Commissioner Mattingly, to authorize Commissioner McKay to sign the Check Register. Commissioner Jarboe abstained. Motion carried.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, January 6, 2004. Motion carried.

COUNTY ADMINISTRATOR

1. Draft Agendas for January 20 and 27, 2004, were presented.
2. Department of Economic and Community Development

John Savich, Director, provided an overview of the proposed Lexington Manor property funding.

- a. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and adopt Resolution authorizing the signature and submission of a Maryland Community Development Block Grant (CDBG) program application for funds to acquire 50.548 acres, being the southern parcel of the Lexington Manor property owned by LP Town Center, LLC, demolition of units thereon, and provide**

relocation assistance for residents of that southern parcel and to provide for demolition of 196 dwelling units on the southern parcel. Motion carried.

- b. **Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and adopt Resolution designating Lexington Manor a Slum and Blighted Area for the purpose of submission to the Maryland Community Development Block Grant (CDBG) program an application for funds to acquire 50.548 acres, being the southern parcel of the Lexington Manor property owned by LP Town Center, LLC, demolition of units thereon, and provide relocation assistance for residents of that southern parcel and to provide for the demolition of 196 dwelling units on the southern parcel. Motion carried.**
 - c. **Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and adopt Resolution authorizing the signature and submission of a MEDAAF jurisdiction application for \$2,245,000 to acquire the 33.86-acre northern parcel of the Lexington Manor property owned by LP Town Center, LLC.**
 - d. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and adopt Resolution authorizing the signature and submission of a Maryland Economic Development Assistance and Authority Fund (MEDAAF) jurisdiction application for \$770,000 to demolish all structures on the 33.86 acre northern parcel of the property owned by LP Town Center, LLC.**

1. Office of the Sheriff (*Sheriff Zylak, Captain Cusic, Erin Gass*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President to sign St. Mary's County Police Protection Fund Report-Grant Application (MSP-\$760,715). Motion carried.

2. Real Property Manager (*Joyce Malone*) and Dept. of Public Works (*George Erichsen*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Easement Agreement that would permit the County to install a drainage pipe to relieve flooding on River Road in Tall Timbers. Motion carried.

3. Department of Public Works & Transportation (*George Jarboe, Transportation Manager*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign FY04 Grant Agreement Documents for Americans with Disabilities Act Assistance Grant for Public Transportation (state-\$135,000; county-\$15,000). Motion carried.

4. Office of Community Services (*Joe Donick, SOSAR Coordinator; Jackie Beckman, CTSP*)

- a. **Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Budget Amendment reflecting decrease in the FY 04 budgeted amount for 21st Century Grant (\$10,000). Motion carried.**
- b. **Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign Grant Application for funds from the MD**

Highway Safety Office to increase highway safety programs within State parks located in the County. Motion carried.

1. Human Resources Department (*Randy Schultz, Director*)

The Board indicated that they would be discussing a benefit structure for new hires during the upcoming budget work sessions.

Commissioner Mattingly moved, seconded by Commissioner Dement to: (1) offer the current, part-time Nurse Manager at the Weisman Adult Medical Day Care Center a permanent full-time position; (2) abolish the vacant and currently occupied part-time Nurse Manager positions and create the new permanent full-time position only if the full time position is accepted by current part-time Nurse Manager; and, (3) that the request for position realignments be brought back to the Board for reconsideration if the permanent, full-time position is not accepted by the current part-time Nurse Manager. Motion carried.

8. Department of Recreation and Parks (*Phil Rollins, Director; Bill Ball, Parks Div. Mgr.*)

Mr. Rollins and Mr. Ball provided follow-up to the previous Board discussion about the boat ramp replacement, dredging, and shore erosion project at the Wicomico Shores Public Landing. The Recreation and Parks Department (R&P) was asked to consider doing the shore erosion control phase of the project first. The shore erosion repair work alone (without the dredging) would cost approximately \$140,000. That figure is within the current budget of \$150,000. Recent soil tests have determined that dredging material is not suitable to create new marsh area. If the shore erosion work is done as the first phase, the boat ramp and dredging projects could be done as subsequent phases over the next two years, pending State funding availability. The projected boat ramp replacement cost is \$98,611, and the projected cost for dredging and disposing of dredge material is approximately \$95,000. R&P has requested \$100,000 in State Waterway Improvement Funds in FY2005 for the Wicomico Shores project and will request an additional \$100,000 in FY2006 to complete the project. If those funds are appropriated, the dredging and boat ramp projects could be completed by fall 2006.

Commissioner Jarboe suggested that one cost-saving approach would be to use rough mill lumber to replace decking on the pier and use pressure treated just for the stringers.

The Commissioners will receive public input on the community's priorities for these projects at this evening's public forum.

PATUXENT RIVER COMMISSION (PRC)

Present: Jack Leighty, Vice Chair, PRC

Don Brown, Member, PRC

Senator Bernie Fowler, PRC

Jack Hannan, American Rivers Association

Mr. Leighty was asked by the Board to provide additional information on the PRC's request for a Resolution, which was presented, to the Board on December 9, 2003. The PRC is requesting a Board resolution in support of a study to determine if the Patuxent River qualifies for inclusion

under the Federal Wild and Scenic Rivers Act. The presenters explained the need, the process and addressed the Commissioners' concerns. Specific concerns of the Board were to ensure that the study or potential designation would not limit access to the river, remove any local zoning or usage authority or add government mandates, and that the U.S. Navy is comfortable with a

potential, federal designation of the Patuxent as a Wild and Scenic River. The PRC does not believe concerns are warranted and suggested that the Board will have the opportunity to further determine any advantages or disadvantages once the study has taken place.

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt a Resolution supporting the request by the Patuxent River Commission for federal legislation that will enable a federally funded and implemented study of the Patuxent River to determine the qualifications of the river for designation as a federal Wild and Scenic River. Motion carried.

SHERIFF'S OFFICE RETIREMENT PLAN (PLAN) PROPOSED AMENDMENT

Randy Schultz, Director of Human Resources Department, certified that no written comments were received on the proposed amendment following the public hearing held on December 16, 2003. The proposal by the Board of Trustees of the Sheriff's Office Retirement Plan (Plan) to amend the plan document would change the definition of the term "actuarial equivalent," as required by the IRS, correct an error made in the plan revision on October 1, 2000, add another position or classification to membership eligibility in the plan, and allow the elected Sheriff the right to waive participation in the Plan.

Commissioner Jarboe stated that he would not be able to support an amendment that would provide a specific benefit to an elected official while that person was in office, and that such an amendment should be considered prior to the person taking office. Deanna Snyder, Benefits Coordinator, and Mr. Schultz explained that the prior sheriffs were both subject to the same retirement guidelines as the current sheriff, and that both sheriffs should have been required to participate in the plan. As determined by the Plan Attorney and recommended by the Retirement Plan Board of Trustees, the Amendment 4 is needed to rectify a misinterpretation of the Plan requirements by the County. The amendment is not proposed to benefit a specific elected official, but to provide equity across the board.

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the Ordinance amending sections 1.05(b); 1.05(1); 1.05(ak); 106(c); and 2.03(a) of the St. Mary's County Sheriff's Office Retirement Plan.

COMMISSIONERS' TIME

Commissioner Jarboe

Ask that staff provide report on free rent situation prior to the upcoming weekend and add this item to next week's Board meeting agenda.

Commissioner Dement

- Attended Farm Bureau Annual Legislative Dinner. Congratulations and thanks to

Bobby Norris for his many years of service as President.

- Congratulations also to newly installed officers at 7th District Rescue Squad and Hollywood Fire Department.

Commissioner Mattingly

- Congratulations to Allie Mattingly – 7th District.
- Commissioner McKay and I attended the MIDAS Conference and participated in several interesting briefings. It as a good opportunity to show our commitment to economic development.
- Attended MALF meeting this week. 2-3 pieces of legislation are being proposed. Will ask
- Donna Sasscer to provide information on how these could impact programs and ask Board to take positions.

Commissioner McKay

- Attended Farm Bureau Annual Legislative Dinner. Several questions were posed to the Board and we want to make sure we address those questions.
- Attended Hollywood Fire Department and Auxiliary and 7th District Rescue Squad and Auxiliary Installation of Officers and Awards Banquets. Congratulations to all newly installed officers, and particularly to Allie Raley – he is a terrific example of exemplary community service.

EXECUTIVE SESSION

Commissioner Dement moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss matters of Personnel and Real Property Acquisition, as provided for in Article 24, Sections 4-210(a)1 and 4-210(a)11, respectively. Motion carried.

Personnel

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly

George Forrest, County Administrator

John Norris, County Attorney

Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 12:09 – 12:43 p.m.

Action Taken: The Commissioners discussed personnel matters.

Property Acquisition

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly

George Forrest, County Administrator

John Norris, County Attorney

Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 12:44-1:45 p.m.

Action Taken: The Commissioners discussed property acquisition.

PUBLIC FORUM – Wicomico Shores Golf Course Clubhouse

Commissioner President McKay opened the meeting and asked Phil Rollins, Recreation and Parks Department Director, to provide an update on the Wicomico Shores Public Landing boat ramp replacement, dredging and shore erosion control projects. Forum attendees were asked to provide input on their priorities for these projects or to comment on any additional subjects.

Public Comments:

Tessa Lowe, California, MD, education advocate and candidate for at large seat of the Board of Education

Want to address education issues and thank the Board for their active participation in the education process. With the County growing so fast, we need to be proactive in keeping the community involved - - and, this begins with the leaders of this County.

Chico Rivers, Chair, Wicomico Shores Homeowners Association, 35695 Aviation Yacht Club Drive

Proud to represent our Homeowners Association as Chair – we are one of the largest voluntary associations in the County. We have two main issues -- speed control and vandalism. The Sheriff came out a year ago for one day – this hasn't slowed the speed on the main road. Community is very adamant about vandalism, too. The County has lost thousands of dollars due to vandalism. Need to concentrate on doing something about it – golf carts have been stolen or vandalized. We will accept any ideas on what to do. Input from community indicates that erosion control and boat ramp replacement are the most important priorities. Most important issue to us is density.

William Flowers, 26086 Sycamore Dr.

Erosion control and boat ramp are priorities. It would be ok if we had a smaller pier just so kids and families could fish safely. There is a drainage problem on Sycamore Drive. The County has spent a lot of money already on this, but it isn't fixed. When it rains, 6' of water is left standing. Why did the County stop work on this project? I believe Mr. Groeger and Mr. Erichsen said there were easement problems.

Al Guy

How far along are you on preparing legislation to allow increased number of lots on a private road without having to do overlay?

Mr. Canavan responded that the plan is to take the text amendment to the Planning Commission in February and then bring to the BOCC for consideration/adoption.

Clare Whitbeck, Leonardtown, MD, candidate for Board of Education seat

Want to thank the BOCC for the most rapid adoption of the capital budget for schools. My concern is that last year you voted for 107% of capacity. How are you going to calculate this? I heard that LUGM is going to increase by 130 students based on some students going to the Tech Center. Urge you to talk to LUGM if they are intending to do this. If allowed to happen, you'll have 115%, not 107%. Ask LUGM to calculate capacity of high schools based on actual capacity.

Conrad Vanassk, 35222 Army Navy Drive, Wicomico Shores Caretaker

Have not seen overnight boaters. On weekends there are 30-40 boats using the ramp and about 200 people in and out of the park. The park is definitely worth the County's efforts to improve it. The pier is the main part of the park and gets lots of use by the community, including the Amish families.

Commissioner Jarboe suggested that rough cut lumber, not pressure treated, be used to replace decking on the pier and that the pier replacement be done as a community activity – the Amish have indicated they would like to help.

Gene Johnson, 25980 Hills Dr., Wicomico Shores

The litter on the roads is very disgusting. Who is responsible to clean the roadsides?

The public forum was adjourned at 7:50 p.m.

Minutes Approved by the

Board of County Commissioners on _____

Donna Gebicke, Administrative Assistant

to the Board of County Commissioners

