

**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)  
Kate Mauck, Senior Administrative Coordinator (Recorder)

*Donna Gebicke took the following portion of the meeting minutes:*

### **CALL TO ORDER**

The meeting was called to order at 9:10 a.m

### **APPROVAL OF CHECK REGISTER**

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

### **APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, February 3, 2004, as amended. Motion carried.**

### **PROCLAMATION**

The Commissioners presented a proclamation to faculty and students from Chopticon, Leonardtown and Great Mills High Schools in honor of National Career and Technical Education Week.

### **PRESENTATION: ST. MARY'S COUNTY BRANCH OF THE NAACP**

Mr. Nathaniel Bowman, President, and Mr. Robert Lewis, Vice President, provided the Commissioners with information on the branch's activities and constitutional, social, educational, and religious issues affecting civil rights both locally and nationally. While much progress has been made and St. Mary's County is in a relatively good position compared to other areas, ongoing issues include racial profiling and police misconduct, problems with fundamental right to counsel and due process, the Patriot Act's potential infringement on constitutional rights, and equal access to educational tools. The voting rights act will be coming up in 2007 for possible extension or voting up or down. The NAACP will be looking for assistance to help make this act into law.

Mr. Bowman urged the Commissioners to evaluate where the County is in terms of African Americans in leadership positions and how to close the gap and also offered the NAACP's assistance in the area of civil rights.

### **AFRICAN AMERICAN HISTORY MONTH: PINEY POINT ELEMENTARY SCHOOL PRESENTATION**

Lynne Morgan, Supervisor of Instruction, Fine Arts, introduced Ms. Susan Evan's 2<sup>nd</sup> grade students from Piney Point Elementary School who provided the Commissioners with dramatic readings on the life of Dr. Martin Luther King.

### **RECPLEX PRESENTATION**

Phil Riehl and Todd Ferrara presented a public/private partnership proposal to bring an indoor recreation facility adjacent to the community pool in Great Mills. Physical components of the project and two main funding options were discussed. In Option 1, the County would provide the land for RecPlex to be built and would then lease the facility in exchange for Recreation and Parks Department's complete control of all the league revenue it can create at the site. The lease fee would secure the loan RecPlex incurs for the project. In Option II, the County would provide the land and allow RecPlex to use all revenues it can generate at the site to pay debts. The County would need to subordinate the land in order to secure the loan for RecPlex. Mr. Riehl and Mr. Ferrara indicated they are prepared to provide personal guarantees for any loans obtained.

*County staff was directed to evaluate the RecPlex proposal and report back to the Board at next week's meeting.*

### **COUNTY ADMINISTRATOR**

1. Draft Agendas for February 17, 20, 23, and 24, 2004 were presented.
2. Direction - Northern Senior Center

Mr. Forrest brought the Commissioners up to date on the Northern Senior Center project. At a previous meeting, staff was directed by the Board to hold on issuing the proceed to work on the Center and to report back with recommendations on how the County could include a multigenerational concept into the facility.

George Erichsen, Director of Public Works and Transportation, presented staff's recommendations for moving the project forward while preserving the existing design and maintaining the potential for a multigenerational facility -- whether it is constructed now as part of phase I, or whether it is constructed in the future. A phased construction with a multi-purpose component can be accommodated using the existing, approved site plan.

The interior is adaptable to present or future additions with the inclusion of a few doors for a possible future corridor and the relocation of the kitchen to make it closer to a potential gymnasium location. The space where the kitchen would have been located would be opened up to allow the introduction of an additional 957 square feet. The availability of sufficient perc/septic drain field areas needs to be coordinated with the Health Department.

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to direct staff to move forward with notice to proceed on the Northern Senior Center construction and to direct staff to conduct pre-construction meeting to issue process to work and address site plan modifications, i.e, sewer fields, kitchen, and loading dock relocation. Motion carried.**

*Kate Mauck took the remaining meeting minutes as follows:*

3. Human Resources Department and State's Attorney's Office

Present: Randall Schultz, Director  
Michael Stamm, Deputy State's Attorney

- a. **Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and sign memorandum authorizing reclassification downgrading the position of Legal Assistant 1, Grade 4 to Receptionist, Grade 3 and reclassifying the position of Legal Assistant 1 in the Criminal Division to Legal Assistant 2, Grade 5. Motion carried.**

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and sign memorandum authorizing reclassification of the position of Legal Assistant 1, Circuit Court, to the new classification of Bad Check Coordinator, Grade 5. Commissioner President McKay and Commissioner Raley abstained from the vote due to impact on their personal businesses. All other Commissioners voted in favor. Motion carried.**

b. Discussion of Public Safety Director Position

Mr. Forrest and Mr. Schultz presented Commissioners with a draft job description for the position of Director of Public Safety. A potential timeline for the interview process and placement of the position was outlined and discussed. The following direction was given:

- *Ensure document outlines County Administrator as direct supervisor;*
- *Post without a closing date;*
- *Search to be expanded outside Southern Maryland area;*
- *Entire review team to see all applications;*

- *Review team to include an individual from each of the following areas, with no more than five on the team: Fire, Rescue, Sheriff's Department or designee, County Administrator or designee, and a representative from outside the area;*
- *Commissioners would like to see the applications of the top five candidates, ranked in order of preference. After these applications have been reviewed, they will then authorize the set up of interviews;*
- *Mr. Schultz was directed to make this effort a top priority.*

4. Office of Community Services

Present: Cynthia Brown, Director  
A. Joseph Donick, ATOD Prevention Coordinator

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment allowing the transfer of funds from the Health Department to the Office of Community Services (\$6,367) for the purpose of enhancing the SOSAR/Community Outreach Program. Motion carried.**

5. Department of Public Works & Transportation

Present: George Erichsen, Director

*Mr. Erichsen was directed to notify all residents in writing of the cleanup project for the scrap tire stockpile, to include a schedule as to how long the project would continue and what efforts would be made. In order to ensure citizens knew of the cleanup effort, Mr. Forrest stated that he would ensure a press release was submitted as well.*

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign an Intergovernmental Agreement between the Maryland Environmental Service and St. Mary's County for the implementation of the St. Mary's/Sandgates Scrap Tire Stockpile Cleanup Project (State: \$600,000; County: \$45,000). Motion carried.**

6. County Attorney and Finance Department

Present: John Norris III, County Attorney  
Elaine Kramer, Director of Finance

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Settlement Agreement with Crown Castle, the contractor providing public safety communication towers and shelters to the County. Motion carried.**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Sublease Agreement when blanks are filled in. Motion carried.**

7. Real Property Manager

Present: John Norris III, County Attorney

Discussion took place regarding concerns that expansion plans for the Leonardtown Library might be impacted in the future due to the lease agreement. Also, a possible typographical error under item #3 - Termination was discussed.

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Lease Agreement with Diebold Election Systems, Inc. for the use of space in the Leonardtown Library for the storage, preparation and charging of 311 AccuVote Touchscreen voting units and 32 cards. Motion carried.**

8. Reconfiguring the Entrance to the County Governmental Center

Mr. Forrest, County Administrator, provided information and requested authorization to

proceed with plans to reconfigure the entrance to the County Governmental Center.

Total cost

of the project would fall in the area of \$800.00 to \$1,000.00.

**Commissioner Jarboe moved, seconded by Commissioner Raley, to accept the County Administrator's recommendation to reconfigure the face of the County Governmental Center entrance. Commissioner Mattingly voted against the motion; all others voted in favor. Motion carried.**

9. Appointment Letter – Boards and Commissions

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign letter appointing Alan Bingman as an Alternate member of the Ethics Commission to a term to expire June 30, 2007. Motion carried.**

**COMMISSIONERS' TIME**

Commissioner Dement

Congratulations were extended to Mr. Dement's five-year-old grandson, Dillon, for winning awards at his elementary school in La Plata on Thursday night.

Commissioner Mattingly

Congratulations were extended to the Friends of the St. Clements Island Museum – attended a meeting at the museum recently, and they are doing a great job with a solid commitment to the museum and its future.

Attended a very successful fundraiser put on by the Rotary Club at Chopticon High School – with Delene in concert and about 600 people in attendance.

Attended a MALPF meeting yesterday, with nothing fruitful to report at this time.

#### Commissioner Jarboe

Melissa Flowers brought up the issue of drainage at the Public Forum held at Wicomico Shores. Recently took a look at the area she talked about, and it was very surprising. Several lots were about six feet under water. Commissioner Jarboe presented photographs viewing the area, to be placed on file. The drainage is outside of the County right-of-way, and an extensive file is held at Public Works. Neighbors have all been working individually and understand they may have to work together to accomplish something. *Mr. George Erichsen was directed to talk with the people in that neighborhood to help them determine how they can work together as a team. Requested that the Public Works building have the appropriate signage outside the building correctly indicating that it is titled the “Dick Arnold Building”. Would like staff to place three flagpoles outside the Public Works Building.*

Received a letter from Ron Franks, Secretary at DNR, regarding a section of a Wye Oak that the County can pick up. Asked other Commissioners if they would agree to his researching this and reporting back to them at a later date. All agreed.

#### Commissioner Raley

Congratulations were expressed to the Leonardtown Rotary for their recent successful fundraiser – the money goes toward scholarships and other public service efforts in the community, and a lot of work goes into these fundraisers.

Several of the Commissioners met with the new people taking over the Wildewood PUD development. Staff was thanked for coordinating this effort. The new owner rented out the auditorium of Leonardtown High School at his own expense and invited all the Wildewood existing property owners. A good presentation was made and excellent questions were asked, with several hundred people in attendance. Hopefully Wildewood will continue to be a good project for St. Mary’s County.

Commissioners received a copy of a memo from John Savich to Karen Everett in Economic and Community Development. Staff members in that area coordinated and worked hard to put together welcoming efforts for the JSF advance team. They did an excellent job and the JSF team was greatly impressed by the welcome they received. Congratulations were expressed to Ms. Everett and all the staff involved.

#### Commissioner McKay

Reported that he and Dennis Canavan met with the St. George's Island Homeowners Association last Friday evening regarding the shoreline revetment around the island. Mr. Canavan provided a great deal of information to those individuals. He may approach the Board at a future date to ask for assistance on that area to receive certain designations. They are working with Land Use and Growth Management to find out what the community would like to do.

This Friday evening, there will be a retirement ceremony for Monsignor Harris of St. John's Catholic Church in Hollywood. He will be greatly missed.

### **BUDGET WORK SESSION**

Present: Elaine Kramer, Director of Finance

The Board of County Commissioners conducted a Budget Work Session.

### **PUBLIC HEARING – SENIOR TAX CAP**

Present: John Norris III, County Attorney  
Gene Carter, Director, Office on Aging

A public hearing was held by the Board of County Commissioners regarding the amendment of Chapter 267 of the Code of Public Local Laws of St. Mary's County to allow a property tax credit to senior citizens of St. Mary's County. Mr. Norris reported that the public hearing had been properly advertised on January 30<sup>th</sup> and February 4<sup>th</sup>, 2004 in *The Enterprise* and February 1<sup>st</sup> and February 8<sup>th</sup>, 2004 in *St. Mary's Today*. Proposed adoption of the Ordinance is scheduled for February 20<sup>th</sup>. It was pointed out that the local delegation would need to introduce legislation in Annapolis, and approval must be granted at that level, for this Ordinance to become effective in St. Mary's County.

Staff was directed to report back on the following items or make the following changes to the Ordinance prior to returning it for review by the Board of County Commissioners:

- *Commissioner Mattingly requested that Office on Aging staff bring back an evaluation of this proposal versus the current program that was put into place a couple of years ago. Determine whether modifications to the existing program such as reducing the age to 65 instead of 70 would provide any better benefits; i.e. ways to improve the existing program instead of adopting a new program.*
- *Staff to request that Ms. Norris, County Treasurer, provide annual income figures that were presented at an earlier date.*
- *Mr. Norris to locate definition on how much occupancy is required (how many months out of a year) for a homeowner to be eligible for tax cap.*
- *Application deadline under Procedures for the first year should be September 1 and July 1<sup>st</sup> for subsequent years.*

Commissioner President McKay opened the floor for public comment, with the following individuals speaking:

Keith Harless – in agreement. Questioned whether individuals on Social Security or having a disability or capped income would also be given some sort of relief. Concerned about other taxes being raised to offset a loss in revenues to the County. Suggested tax rate be tied to an index instead of a flat fixed rate.

Clare Whitbeck – in agreement. Pointed out potential changes to the Ordinance – Page 2 – 267-67 “credit for County real property taxes paid”. Mr. Norris stated that the word should be changed from “paid” to “imposed”. Item 267-70(1)(i)1. “principle” should be “principal”. Item 267-68 – “or the spouse of the senior citizen who is at least 70 years old at the time of the application” – clarify which one is indicated – the spouse or the senior citizen. *Mr. Norris will make changes as are appropriate.* Commissioner McKay explained that the tax bill will show the taxes that would normally be due on the property and then show the amount of the credit and finally the amount due after the credit is applied.

Patricia Ann Woodburn – Asked about a recapture rate when both spouses die – Mr. McKay responded that there would be no recapture and the assessment or the value on the property would not change.

Molly Baker – in agreement. Husband passed away in 2001, and since his death, her income has dropped by half. Her property taxes continue to rise. She is very much in favor of this credit.

Pat Myers – National Association of Retired Federal Employees -President, St. Mary’s Chapter - in agreement, as are about 1,000 members of the organization she represents. She stated that it was difficult for seniors to keep up with increases in taxes and that a tax credit will encourage seniors to stay in the County as well as provide incentive for seniors to move here. She asked if the legislation would become effective in 2004. Comm. McKay said that it would.

Arthur Klotz – Questions about irrevocable trust – The property in which he and his wife live is titled in the name of a trust. They pay the taxes into the trust. Mr. Norris stated that it was unclear how a situation like this would be handled. *He does not know how many living trusts exist in the County and will investigate the possibility of whether or not to add trusts. It was pointed out that a trust could not continue on with a cap beyond the life of the owners.*

Janet Tippett – in agreement. Against the possibility of either/or situation discussed earlier by Commissioner Mattingly about expanding the present tax credit system that we already have in place. She would like to see people like her in the middle income bracket to benefit from this credit. This credit directly addresses her needs.

Joseph Cullison – in agreement. Taxes have risen dramatically from the 1970's through 2004. He believes that these tax increases are pushing people out of their homes and are very rough on seniors.

The public hearing was closed for public comment. The record will remain open until Friday, February 13, 2004 for written public comment. Written comments will be accepted if they are in the mail no later than February 13<sup>th</sup>.

**Commissioner Dement moved, seconded by Commissioner Mattingly, to close the Public Hearing. Motion carried.**

The Public Hearing closed at 5:50 p.m.

**PUBLIC FORUM – SECOND DISTRICT VOLUNTEER FIRE DEPARTMENT  
45245 DRAYDEN ROAD, VALLEY LEE**

The Board of County Commissioners conducted a public forum, which commenced at 7:12 p.m. at the Valley Lee Fire Department. Commissioner President McKay introduced several County Government staff members that were present, and suggested that citizens approach any staff member after the meeting to share any concerns or to have questions answered. In addition, Commissioners introduced several new appointees to Boards, Committees, and Commissions.

In addition to the monthly public forum, Mr. Ed Von Bergen of Von Bergen, Ltd. was scheduled to speak regarding his proposal to introduce ferry service between St. George's Island and Westmoreland, Virginia. Mr. Von Bergen's flight from Pensacola was delayed; therefore, Mr. Bert Lewis of Potomac River Ferry Service began the presentation. The following information was presented by either Mr. Lewis and/or Mr. Von Bergen after his later arrival:

- Potomac River Ferry Service is a subsidiary of a ferry operation in service in Mobile, Alabama;
- Propose the service be provided between Westmoreland, Virginia to St. George's Island;
- Currently have verbal approval by Northumberland County, awaiting approval by Westmoreland;
- Mr. Von Bergen has been in the ferry boat business for 25 years, owning and operating in different locations, mainly rural;
- Ferry service is utilized where a bridge is unaffordable;
- 4.2 mile crossing would take approximately 35-45 minutes to cross the river;
- Would save people about 2 hours of driving time;
- Approximately 100 vehicles per day to cross both ways; expect mainly tourist crossings;
- Probably 6 to 7 crossings each direction;
- Possible commercial traffic – no trash, perhaps seafood;

- To operate 12 hours daily – 8:00 a.m. to 8:00 p.m.;
- Cost proposed - \$20 per crossing; advanced round-trip cost of \$30;
- Ferry boat is 122 feet in length x 38 feet in width;
- 22 passenger vehicles could be held on ferry at one time;
- If allowed, year-round service would be available – anticipate majority of service to be utilized in the spring, summer, and fall; 70% of traffic would occur in June, July, August, and September;
- St. George’s Island impact – small gravel parking lot just before crossing bridge on the river side – cement pad would need to be put in; some of grassy area would be covered; little else required; pilings put out to tie up boat;
- Looked initially at Point Lookout Lighthouse location – not as beneficial to tourists;
- St. Mary’s County would benefit by a \$1 fee per vehicle which may total \$30,000 per year direct revenue to County; additional tourism revenues to County as well as businesses;
- Depth of channel discussed – must have at least medium tide – 3 ½ feet depth necessary;
- When ferry is not operating, it would moor in Bowden’s Creek;
- Discussed crossing the Chesapeake – not likely to propose departure from St. Mary’s County;
- Preventative measures for vehicles dripping oil, etc. – three people to clean up, raised edges to keep spill from running into river, etc.
- People able to walk around on ferry; enclosed passenger area on boat available for about 20 people;
- Will not hit watermen’s crabpots;
- If demand increased, a second boat could be brought in;

The Public Forum was opened for public comment on any topic with the following individuals speaking:

Edd Morris – Ferry service would have serious impact; would like to be kept informed and to receive copies of any information.

Harold Siskind – Wildewood Homeowners Association – regarding trash – no competition. Waste management has 85% of business in the County. Staff responded with their own concerns about the lack of competition and the cost of opening another cell at the landfill.

Gerald Birch – Likes the ferry idea – has a daughter in Williamsburg and would be glad to pay the \$20 fee, and possibly even more.

Donald Hayden – Waste management in the County – why not have something like the Appeal Landfill? Commissioners assured Mr. Hayden they are searching for solutions.

Cindy Williams – Likes the ferry idea, but questioned locations – why not Leonardtown. Commissioners addressed the reasons why Leonardtown would not be a feasible solution.

Victor Govier – Latest citizen to St. Mary’s County – just settled on a home right across the street from the potential ferry service area. Concerned about cars backing up and parking.

Pat Woodburn – Need facts and not opinions. Would have over 4,000 cars per month; 9,000 if it doubles – not feasible due to traffic – stretches limits to roads, fire & rescue, etc. Against.

Othello Jones – Against. Trying to clean up the Bay and this would hurt it more.

Concerns, questions, or comments voiced by unidentified citizens in the audience (with accompanying answers if given):

- Parking – where would vehicles park, especially truckers? No place for commercial vehicles. Response – enough parking for 25 cars, using some of the grass area.
- Where would cars and backup traffic go while awaiting another trip?
- Independent traffic demographic study made? Feasibility study made? Environmental studies done? Response – no – this is an independent business venture – ready to try it for one year. Better for environment than all those cars driving to/from Virginia.
- Good idea – Piney Point is designated a growth area, so it should be allowed to grow.
- Need to be informed in the paper on this issue – *Commissioners stated that County staff would work harder in getting word out to the public.* Jason Babcock, reporter for *The Enterprise* commented that a lead story on this subject was printed in a November or December issue of the newspaper. Additionally, Commissioners reported that the issue has been and will continue to be posted on cable Channel 12 as well as the County’s website.

Commissioners assured citizens that this proposal was very preliminary, that no decisions have been made, and they fully appreciated the excellent questions and input from the citizens of St. Mary’s County. The questions asked would help Commissioners in eventually making the best decision possible for the County.

The public forum was adjourned at 8:40 p.m.

Minutes Approved by the  
Board of County Commissioners on \_\_\_\_\_

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Kate Mauck, Senior Administrative Coordinator  
to the Board of County Commissioners