

BOARD OF COUNTY COMMISSIONERS' MEETING

Old State House, St. Mary's City

Tuesday, March 23, 2004

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)

**The following meeting minutes were
transcribed by Kate Mauck:**

CALL TO ORDER

The meeting was called to order at 9:03 at the Old State House, St. Mary's City.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, March 16, 2004. Motion carried.

PROCLAMATION: DISABILITY AWARENESS MONTH

Present: Arthur Shepherd, Member, Commission on People with Disabilities

Margaret Stewart, Member, Commission on People with Disabilities

The Board of County Commissioners presented a Proclamation in honor of Disability Awareness Month. Mr. Shepherd invited the public to attend the "5th Annual High Hopes for Everyone" fun family event that will be held on Saturday, March 27th in honor of Disability Awareness Month.

FINE ARTS MONTH

Present: Lynne Morgan, Supervisor of Instruction for Fine Arts

Christina Baker, Vocal Music Teacher

Students from George Washington Carver Elementary School presented a musical selection in honor of Fine Arts Month. The Board of County Commissioners presented each student with a Commendation, thanking them for their outstanding efforts.

COUNTY ADMINISTRATOR

1. Draft Agendas for March 30, April 6, and April 8, 2004

2. Circuit Court

Present: Teresa Weeks, Senior Legal Assistant

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment (\$9,896) to carry over unused grant funds remaining from the FY03 Family Services Coordinator Grant.

Motion carried.

3. Department of Public Works and Transportation

Present: George Erichsen, Director

a. Public Works Agreement for Heart's Desire Subdivision, Section 1. Located in the 5th Election District with an expiration date of February 1, 2005. A letter of credit has been provided by The First National Bank of St. Mary's in the amount of \$36,500. The road included in this agreement is: Heart's Desire Drive (365').

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Public Works Agreement item a.

Motion carried.

b. Public Works Agreement Addendum for Greenbrier Subdivision, Section 4. Located in the 8th Election District with an expiration date of February 1, 2005. The letter of credit provided by Maryland Bank & Trust Company in the amount of \$444,000 is being reduced to \$174,512 based on the Department's inspection report dated January 29, 2004. The Public Works Agreement and Letter of Credit in the amount of \$444,000 were originally issued on March 18, 1999. The roads included in this agreement are: Freedom Run Drive (882'), Sorrell Drive (1,005'), Festival Court (363'), Olympia Court (297'), and Coronet Place (138').

c. Public Works Agreement Addendum for the Patuxent Corporate Center. Located in the 8th Election District with an expiration date of March 1, 2005. The letter of credit provided by Maryland Bank & Trust Company in the amount of \$68,400 remains as posted based on the Department's inspection report dated January 20, 2004. The Public Works Agreement and Letter of Credit in the amount of \$68,400 were originally issued on April 20, 2000. The roads included in this agreement are: Patuxent Center Road (429') and Corporate Way Station (500').

d. Public Works Agreement Addendum for the Kingston Subdivision, Phase 3. Located in the 3rd Election District with an expiration date of March 1, 2005. The letter of credit provided by Maryland Bank & Trust Company in the amount of \$161,200 remains as posted based on the Department's inspection report dated January 16, 2004. The original Public Works Agreement and Letter of Credit in the amount of \$161,200 were originally issued on April 15, 2002. The roads included in this agreement are: Marigold Street (396') and Starlight Drive (2,497').

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Public Works Agreement Addendum items b, c, and d. Motion carried.

e. Claim Letter to Gulf Insurance Company in the amount of \$176,000 for a Public Works Agreement by and between Interstate General Company, L.P. and St. Mary's County. Located in the Westbury PUD Subdivision, Phase 2, Section 1, 8th Election District. The original Public Works Agreement and Bond in the amount of \$652,300 were originally issued on March 24, 1997. The roads included in this agreement are: Westbury Boulevard (750'), Rominger Court (430'), Cameron Court (520'), Kregel Court (210'), and Searfoss Court (495').

f. Claim Letter to Gulf Insurance Company in the amount of \$34,000 for Grading Permit No.

97-17 by and between Interstate General Company, L.P. and St. Mary's County. Located in the Westbury PUD Subdivision, Phase 2, Section 1, 8th Election District. The original Grading Permit and Bond in the amount of \$73,000 were originally issued on March 24, 1997.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Claim Letters items e and f. Motion carried.

The Secretary was directed to correct the cover letter included in the package to reflect that item g on the cover letter should be changed to item e, and item h on the cover letter should be changed to item f, in order to properly correspond with the correct alphabetical sequencing of the items.

g. County Landfill/Convenience Centers Hours of Operation

Commissioner Dement moved, seconded by Commissioner Mattingly, to authorize Mr. Erichsen to proceed to the Board of Appeals in order to request conditional use approval for extension of Landfill/Convenience Center Hours of Operation to cover the hours from 8:00 a.m. to 7:00 p.m., seven days a week. Motion carried. If the matter is approved by the Board of Appeals, it will come back before the Commissioners at a later date for discussion and decision.

4. Budget Amendment – Freedom Fest Fireworks

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$10,000 for funding for Freedom Fest Fireworks. Commissioner Raley voted against the motion. Motion carried 4-1.

5. Department of Land Use and Growth Management

Present: Denis Canavan, Director

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$14,131 to decrease funds in the Development Services Division and to increase funds in the Administration Division. Motion carried.

6. Appointment Letters – Boards, Committees, and Commissions

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and sign appointment letters to individuals on the following Boards, Committees, and Commissions. Motion carried.

Terms to Expire

Historic Preservation Commission

Mary Hayden 6/30/2006

Planning Commission

James Howard Thompson 12/31/2009

Wicomico Shores Golf Course Advisory Board

Philip M. Cranford 12/31/2006

Jim Hodges 12/31/2006

Wayne Petit 12/31/2007

Robert R. Richardson – Recreation and Parks Board Representative 12/31/2005

Merrill "Chico" Rivers 12/31/2007

Richard A. Smith 12/31/2008

Gloria Tippett 12/31/2008

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT: UPDATE ON
GRAPE PRODUCTION/WINE MAKING RESEARCH

Present: John Savich, Director

Donna Sasscer, Agriculture & Seafood Manager

Carolyn Laray, Tourism Manager

Ben Beale, St. Mary's Cooperative Extension

Staff provided reports on grape production and wine making efforts in St. Mary's County, with focus on the following topics:

- Seven total vineyards (including three new) are now located in the County;
- Acreage in production is low, but is expanding;
- Variety of wine selections were outlined;
- Weather conditions which enhance/restrict grape production;
- Interest and support expressed;
- The lack of any specific references to grape growing/wine production/sales in the Zoning Ordinance;
- Practical issues of grapes as a local alternative crop;
- Winery licensing investigation report;
- Promotional campaign efforts, which nine establishments in the County have adopted for use in the sale of wines from grapes grown within the County; and
- The only grant funding available is that offered through the tobacco buyout program, which would provide up to \$40,000 per business to change from tobacco to an alternative crop.

It was reported that legislation at the State level is necessary in order to add St. Mary's County to the list of counties which are allowed to issue a Class A license to businesses. This initiative would reduce tight restrictions on the sale of wine in the County. The issue could wait until next year's Legislative Session, or could potentially be piggybacked onto one of two bills currently going through the process. The Board of County Commissioners authorized Commissioner President McKay to sign a letter to go out as soon as possible to the Legislative Delegation, requesting that St. Mary's County be added to the list of counties allowed to issue a Class A license to businesses. This request would be piggybacked onto another bill already in process.

In addition, Mr. Ken Corando was invited to speak on the subject of establishing a winery in the area. Mr. Corando reported that he plans to build a winery in St. Mary's City, and he provided details on acreage needed as well as wine production. He requested that while the County is working on the issue of providing Zoning Ordinance text changes/additions on this issue, they should highly consider putting in language that would allow not just the sale of wine, but all the accompanying food, wine and gift shop items that would traditionally go along with the tasting, enjoyment, and sale of wine.

COMMISSIONERS' TIME

Commissioner Mattingly

Expressed congratulations to the great Maryland basketball team for their great season.

Commissioner Jarboe

Requested that the next public forum be focused on land use issues, such as TDR's, text changes, etc.

Commissioner President McKay

Reported that a letter had been received by the Governor thanking the Commissioners for their congratulations on the birth of his son.

EXECUTIVE SESSION

Commissioner Dement moved, seconded by Commissioner Raley, to go into Executive Session regarding Personnel. Motion carried.

Personnel

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

John B. Norris, County Attorney

Donna Gebicke, Recorder

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

Time Held: 11:20 a.m. – 11:45 a.m.

Action Taken: The Commissioners discussed personnel related matters.

Minutes Approved by the

Board of County Commissioners on _____

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