

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, April 1, 2003**

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

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Dement, to authorize Commissioner McKay 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 24, 2003, as revised. Motion carried.

**YOUTH ART AND DISABILITY MONTH STUDENT PRESENTATIONS
Leonardtwn High School**

Present: Lynn Morgan, Supervisor Fine Arts, SMCPs
Marilyn Beach, Supervisor of Special Education, SMCPs
Samantha Oliver, Student
Terri Gerek, Student
Paula Schauer, Audiologist, SMCPs
Sheriff Zylak, SMC

Deaf and hearing-impaired students developed a resource booklet to enhance communications between the community and the hearing impaired. The booklet is small so it can be displayed in police cars, ambulances, or buses and includes specific words used in emergency situations using pictures and sign language symbols.

Sheriff Zylak accepted the booklet from Terri and Samantha and thanked them for their important contribution to the community. Tri-county collaboration has resulted in the development of opportunities for hearing impaired students throughout Southern Maryland to meet and socialize. A pen pal program will be started in the tri-county area soon.

**PROCLAMATION: FAIR HOUSING MONTH
(Southern Maryland Association of Realtors & Housing Department)**

Present: Jann Clark, representing SoMD Association of Realtors
Dennis Nicholson, Executive Director, SMC Housing Authority
Staff: Alden Sullivan, Beth Howard, Cynthia Phillips, Rhonda Garcia,
Sandy Johnson, and Diana Lopez

Commissioner McKay presented a proclamation marking the 35th anniversary of the passage of Title 8, Civil Rights Act of 1968, amended by the "Fair Housing Act" of 1988. This act makes it illegal to discriminate in the renting/selling of property due to race, color, religion, sex, physical or mental impairment, marital status, or national origin.

Ms. Clark announced there would be an all day Affordable Housing Forum held at the Southern Maryland Higher Education Center on May 1.

3RD ANNUAL MONTH OF THE YOUNG CHILD BLACK TIE BALL

Present: Cynthia Brown, Director, OCS

The Black Tie Ball will take place Saturday, April 5, at the Immaculate Heart of Mary Hall in Lexington Park. Proceeds will provide the opportunity for young people to participate in the Summer of Safety, Arts, and Reading Program (SOSAR).

HOUSING TRUST OF AMERICA: PROPOSED TOWNHOME RENTAL COMMUNITY

Present: Dennis Nicholson, Exec. Dir., SMC Housing Authority
Wally Scruggs, President, Housing Trust of America, LLC

Housing Trust of America focuses on workforce and affordable rental housing. Federal and state government financing programs are used. Housing Trust of America proposes to build River Bay Townhomes -- a rental property of 173 multifamily town homes in Lexington Park. Of the 173 units, 155 will be below market rental rate; the remaining will be at market rate as a state requirement. The development will consist of three-bedroom townhomes with first floor garages, a clubhouse, fitness center, community room, computer lab, swimming pool, laundry, tot lots, and on-site management.

The units will be between 1100 and 1200 sq. ft. and rents range from \$915 - \$935. The budget is \$21 million, with \$16 million coming from the state tax-exempt bond program.

HUD will provide mortgage funding for 40 years and equity funding will come from a private investor. Harkins Builders will be the general contractor. Shelter Properties will manage the property with one full-time coordinator in Baltimore and one part-time, onsite coordinator.

In order to satisfy Maryland's Department of Housing and Community Development requirement of local government approval of any state financing active in a jurisdiction, Mr. Scruggs will request a resolution of support from the Board in the near future.

LT. JOSEPH P. KENNEDY INSTITUTE POSITIVE ALTERNATIVE PROGRAMS BRIEF

Present: Ravita Maharaj, Director
Pat Tyson, Manager/Employment Specialist

The mission of the Positive Alternatives Program (a non-profit Catholic agency) is to lead through innovation so people with developmental disabilities live with freedom, dignity, and distinction. Partnering with businesses brings innovative solutions to many existing challenges. The Positive Alternative Program serves unemployed adults who have developmental disabilities and histories of alcohol and/or substance abuse, and homelessness. Partnering with DORS, DSS and St. Mary's Job Connections helps ensure success in St. Mary's County. Positive Alternatives is one of several career development, job placement, and adult education programs available through the Kennedy Institute.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas: April 8 and April 15, 2003
2. Grant Agreement

Walden/Sierra, Inc./Marcey House/Office of Community Services
(Dr. Kathleen O' Brien, Executive Director Walden/Sierra and SMC Addictions Treatment Coordinator; Larry Harvey, Director, Marcey House; Joseph Donick, ATOD Prevention Coordinator, OCS)

To approve and authorize Comm. President to sign renewal of DHMH FY04 Operating Grant for Residential/Outpatient Substance Abuse and Prevention Services provided by Walden/Sierra, Marcey House and OCS, and related forms

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the renewal and related forms. Motion carried.

3. Budget Amendments

- a. Office of the Sheriff (*Erin Gass, Fiscal Manager; Sheriff Zylak*)
To approve and authorize Comm. President to sign Budget Amendment re-allocating unused MSHA grant funds to overtime and related accounts

(\$2,000)

Commissioner Dement moved, seconded by Commissioner Mattingly to authorize Commissioner McKay to sign the budget amendment. Motion carried.

- b. Circuit Court (*Teresa Weeks, Senior Legal Assistant*)
To approve and authorize Comm. President to sign Budget Amendment to reduce funds for the Family Services Grant (\$4,687)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign budget amendment. Motion carried.

4. Department of Public Works (*George Erichsen, Director*)
 - a. To approve and authorize Comm. President to sign Budget Amendment to provide additional funds to initiate the Phase 1 & II permitting process for the expansion of the St. Andrews Landfill, Area D, Cells 1 and 2. (\$5,500)

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign the budget amendment. Motion carried.

- b. To approve and authorize Comm. President to sign Budget Amendment for snow removal and ice control services (\$50,451)

Commissioner Dement moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay to sign the budget amendment. Motion carried.

Commissioners requested that EMA staff provide an update on state reimbursement for snow removal.

- c. To approve and sign Resolution to waive tipping fees for Christmas in April Project scheduled for April 26, 2003.

Commissioner Jarboe moved, seconded by Commissioner Dement, to sign the Resolution. Motion carried.

- d. Public Works Agreement for Cecil's Mill Subdivision located in the 8th Election District with an expiration date of April 1, 2005. A bond has been provided by the Western Surety Company in the amount of \$952,000. The roads included in this agreement are: Pleasant Mill Drive (240'); Autumn Mill Court (514'); Brook Mill Court (919'); Cecil's Mill Court (321'); Dry Mill Lane (368'); South Edge Mill Court (603'); North Edge Mill Court (176'); Flower Mill Court (691'); Governor's Mill Court (706'); and Harvest Mill Court (455').
- e. Public Works Agreement Addendum for Avenmar Subdivision, Section 1, located in the 3rd Election District, with an expiration date of September 1, 2003. The bond provided by the Travelers Casualty & Surety Company in the amount of \$155,000 has been reduced to \$10,000 based on the Department's February 4, 2003 inspection. The Public Works Agreement and Bond in the amount of \$340,000 were originally issued on July 26, 1991. The roads included in this agreement are: Avenmar Drive (3,367'); and Avenmar Court (909').
- f. Public Works Agreement Addendum for Westbury PUD Subdivision, Section 1, Phase 2, located in the 8th Election District, with an expiration date of March 1, 2004. The bond provided by the Gulf Insurance Company in the amount of \$176,000 remains as posted based on the Department's March 11, 2003 Inspection Report. The 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'); Searfoss Court (495'); and Accel/Decel Lane Pegg Road (12').

- g. Public Works Agreement Addendum for Forest Lake Subdivision, Section 2, located in the 6th Election District, with an expiration date of January 1, 2003. The bond value has been reduced from \$29,000 to \$10,000 based on the Department's February 21, 2003 inspection report; and the letter of credit provided by the Washington Savings Bank in the amount of \$29,000 has been replaced with a check in the amount of \$10,000, which has been deposited until the work is completed. The Public Works Agreement and Bond in the amount of \$29,000 were originally issued on February 16, 2001. The road included in this agreement is: Christine Place (222').

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the Public Work Agreement and Addendums, items 4.d through 4.g. Motion carried.

5. County Attorney's Office (*John Norris, County Attorney; Randall Schultz, Director, HR*)
To approve and authorize Comm. President to sign letter agreement between SMC and Metropolitan Commission (METCOM) sponsoring METCOM for participation in Local Government Insurance Trust Health Benefits Pool.

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the letter of agreement between SMC and METCOM. Motion carried.

6. Facilities (*Joyce Malone, Acting Property Manager*)

To approve and sign Oakville Landfill Easement. The easement will provide access to the site so that tire removal can take place. SMC is attempting to accelerate the state's late summer/early fall schedule to remove the tires.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize Commissioner President to sign the Temporary Easement Agreement for the Oakville Scrap Tire Clean Up Project. Motion carried.

The property owner was thanked for providing this easement.

7. Military Leave

Mr. Schultz, Director of Human Resources, presented the current military leave policy for St. Mary's, Calvert and Charles Counties. St. Mary's currently provides pay for up to 15 days annually for training purposes.

Staff was directed to draft a Resolution for the Board's review on April 8, 2003, which would provide "gap pay" (filling the gap between employee gross pay and military compensation) for employees called to active duty in Operation Iraqi Freedom. Staff will also look into broader issues surrounding military leave and provide a full report on the implications at a future Board meeting.

COMMISSIONERS' TIME

Commissioner McKay

- Wishes his mother well after a visit to the emergency room. Happily, she is home and doing fine.
- Enjoyed the banquet held at the Elks Lodge. Four outstanding students from Great Mills High School received scholarships from \$4,000-\$6,000. Two students plan to become doctors, one a meteorologist, and one an architect.

Commissioner Dement

- Sincere sympathy for the Booth family's loss.

Commissioner Mattingly

- Stopped in at the first Procurement Policy Committee organizational meeting. All were enthusiastic about their new responsibilities. Two public meetings will be advertised for April 16 and 23, 2003.
- There will be a dedication for the new, regional fire-training center in La Plata this weekend.

Commissioner Jarboe

- Asked staff to provide state and county noise ordinances that address lawn mowers, chain saws, mini bikes, ATVs, barking dogs, etc., on private property.

EXECUTIVE SESSIONS

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

Property Acquisition

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Robin Finnacom, Director, Lexington Park Plan
Donna Gebicke, Recorder

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

Time Held: 11:33-12:17 p.m.

Action Taken: The Commissioners discussed a property acquisition matter and gave direction to staff.

Personnel

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Randall Schultz, Director, Human Resources
Donna Gebicke, Recorder

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

Time Held: 12:19 p.m. - 1:05 p.m.

Action Taken: The Commissioners discussed a personnel matter and gave direction to staff.

EXECUTIVE SESSION DIRECTION

The Commissioners reconvened in open session at 1:10 p.m.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to authorize staff to proceed on the airport manager position as discussed in Executive Session. Commissioner Raley voted no. Motion carried 4-1.

Commissioner Raley moved, seconded by Commissioner Mattingly, to proceed on the property acquisition matter as discussed in Executive Session. Motion carried.

EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to reconvene in Executive Session to discuss matters of Personnel as provided for in Article 24, Section 4-210(a)1. 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
Donna Gebicke, Recorder

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

Time Held: 1:40 p.m. - 3:55 p.m.

Action Taken: The Commissioners discussed personnel issues and gave direction to staff.

EXECUTIVE SESSION DIRECTION

The Commissioners reconvened in open session at 4:05 p.m.

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner President McKay to proceed on personnel issues as discussed in Executive Session. Commissioners Raley and Mattingly voted no. Motion carried. 3-2.

ADJOURNMENT

The meeting was adjourned at 4:07 p.m.

Minutes Approved by the
Board of County Commissioners on _____

**Donna Gebicke, Administrative Assistant
to the Board of County Commissioners**