

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS' MEETING**  
**Governmental Center**  
**Tuesday, April 8, 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.

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Dement moved, seconded by Commissioner Jarboe, to accept the agenda as amended. Motion carried.**

**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 Dement moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, April 1, 2003, as submitted. Motion carried.**

**STUDENT PRESENTATIONS: DISABILITY AWARENESS MONTH**

**Present:** Lynn Morgan, Supervisor Fine Arts, SMCPS  
Angela Erb, Teacher, Dynard Elementary  
Kim Summers, Principal, Dynard Elementary

The Commissioners presented certificates to each of the Special Education students from Dynard Elementary School. In honor of Disability Awareness Month, the students offered facts about well-known people who have overcome disabilities to become successful.

## **PROCLAMATIONS**

### **Maryland's Chief's Challenge Month – April and May 2003**

Present: Sheriff Zylak  
Jacqueline Beckman, CTSP Coordinator, MSP  
Deputy Clark  
Trooper Bowling

The Maryland's Chief's Challenge campaign provides communities and organizations with an excellent opportunity to join law enforcement in their efforts to increase the correct use of safety belts and child safety seats by focusing attention on the lifesaving benefits of these systems.

### **International Building Safety Week – April 6 through 12, 2003**

Present: Robin Guyther, Director Permits and Inspections

Citizens were urged to participate in International Building Safety Week activities to help promote building safety, to create an awareness of the importance of construction and building codes, and to spotlight the role of the code official in administering those codes. Brochures on building permits, preventing mold, disaster preparedness, and building codes are available to the public in the Governmental Building's foyer.

## **PROPOSED DRAFT ORDINANCE**

Present: John Norris, County Attorney

A Public Hearing on the proposed ordinance to amend chapter 267 of the St. Mary's County Code of Public Laws to allow property tax credit to the surviving spouse of a fallen rescue worker was held on March 18, 2003. A "fallen rescue worker" is defined as an individual who dies while in active service in a fire, rescue, or emergency medical service (fire department, rescue squads, ALS volunteers). One citizen comment was received during the public hearing. The citizen requested that the ordinance be broadened to include other volunteers, which is beyond the scope of state law. No additional comments were received during the open comment period following the hearing.

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to adopt the draft ordinance to allow property tax credit to the surviving spouse of a fallen rescue worker. Motion carried.**

## DEPARTMENT OF RECREATION AND PARKS PROGRAM OVERVIEW

Present: Phil Rollins, Director, Rec & Parks  
Arthur Shepherd, Recreation Division Manager  
Bill Ball, Parks Division Manager  
Patty Meyers, Manager Wicomico Golf Course  
Dave Leitzel, Assistant Manager  
Lydia Wood, Acting Manager Museums  
Kathy Bailey, Administrative Coordinator

Mr. Rollins and staff provided the Board with an overview of Recreation and Parks activities, achievements and goals. The Department consists of five (5) divisions:

- Administration provides oversight and management for all divisions.
- Recreation Division
  - Leisure Programs (gymnastics, aquatics)
  - Youth Programs (before/after school centers)
  - Sports (sports leagues and camps – over 10,000 participants)
  - Special Events & Inclusion Services
    - Easter Egg Hunt at the Governmental Center grounds
    - June 6 is the Scott Verbic Golf Tournament
    - *Les Miserables* will be presented as the 20<sup>th</sup> Summer Stock Theater offering
    - A software program will be installed to make online registration possible by Fall
  - Special Facilities (Teen Centers, skatepark and sprayground)
- Parks and Facilities
  - Manages 20 parks, 14 public landings
  - Recently renovated Abell's and Bushwood Wharf
  - Completed the J. Baggett Park playground and pavilion
- Wicomico Golf Course
  - In FY2002, 45,697 rounds of golf were played
  - Irrigation, new grass, and maintenance facility are current upgrades
  - Leagues are very active
  - Children learn golf for \$15
  - Clubhouse offers venue for fundraisers (Marcey House, OOA, Special Olympics, etc.)
- Museum Division
  - Accredited by the American Association of Museums
  - New Projects: Potomac River Maritime Museum and St. Clement's Island Museum Expansions
    - 4<sup>th</sup> graders will tour museums as part of their curriculum
    - Friends of the Museum has funded underwater mapping at St. Clements and St. George's islands to locate shipwrecks

*Commissioner McKay reminded staff that future boat access to the Patuxent River is a high priority and requested an update on the status of Cape St. Mary's Marina.*

## **WICOMICO SHORES GOLF COURSE CLUBHOUSE**

Present: Phil Rollins, Director Rec & Parks  
Patty Meyers, Manager Wicomico Golf Course  
Dave Leitzel, Assistant Manager

Mr. Rollins provided the Board with background information on the Wicomico Shores Golf Course Clubhouse project. The previous Board of County Commissioners authorized funding in FY2002 for planning, design, and engineering for a new clubhouse at Wicomico Shores Golf Course. An architectural firm and the county's Facilities Director concluded that replacement was the most prudent and cost-effective alternative to renovation. This recommendation was based on the extremely poor condition of the building (major water leaks, structural problems, HVAC and mechanical system failings, and non-compliance with the Americans with Disabilities Act) and the building layout. The proposed new building would be 12,460 square feet. Construction would be funded entirely out of the Golf Course Enterprise Fund. No tax dollars would be used for the project. Approximately \$250,000 in Golf Course cash would be used, with the balance of \$1.25 million coming from exempt financing. The debt would be paid off using golf revenues only. The annual debt service payback of \$125,000 is affordable and the proposed financing plan leaves a healthy cash balance in the Enterprise Fund in case of an "off" year.

Commissioner McKay pointed out that the public has not been adequately informed on the necessity for a new clubhouse. It was the consensus of the Board that major renovation or new construction will be necessary, but that another public hearing must be held. *Staff was directed to:*

- *Present full information to the citizens on potential clubhouse renovation or new construction at another public hearing.*
- *Develop a 3-year cash flow analysis and look at the risks, user fees, etc. keeping in mind there can be no tax burden on the citizens. Factor in a 20% reduction in revenues and capital project upgrades of 25%-30% within ten years.*

## **COUNTY ADMINISTRATOR**

**Present: Alfred A. Lacer, County Administrator**

1. Draft Agendas: April 15 and 22, 2003 (no business meeting April 22, Budget Public Hearing 7:00 p.m.)
2. Office of the Sheriff (*Lt. Long*)  
To approve and authorize Comm. President to sign the Federal Equitable Sharing Agreement and the Budget Amendment re-allocating unused grant appropriation to the Sheriff's Office to set up the Federally Forfeited funds that were received and not budgeted. (\$1,949)

**Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize Commissioner McKay to sign the agreement and budget amendment. Motion carried.**

3. Department of Public Works (*George Erichsen, Director*)
  - a. Public Works Agreement for Locust Glen Subdivision, Section 1, located in the 8<sup>th</sup> Election District, with an expiration date of September 1, 2003. A bond has been provided by the Selective Insurance Company in the amount of \$52,600. The road included in this agreement is: Locust Glen Court (429’).
  - b. Public Works Agreement Addendum for Heart’s Desire Subdivision, Section 2, located in the 5th Election District, with an expiration date of April 1, 2004. The letter of credit provided by the Maryland Bank and Trust Company in the amount of \$36,500 remains as posted based on the Department’s February 20, 2003 inspector report. The Public Works Agreement and Letter of Credit in the amount of \$36,500 were originally issued on May 10, 2001. The road included in this agreement is: Heart’s Desire Drive (365’).
  - c. Public Works Agreement Addendum for Cedar Cove Subdivision, Section 4, located in the 8th Election District, with an expiration date of March 1, 2004. The letter of credit provided by the Maryland Bank and Trust Company in the amount of \$51,000 has been reduced to \$15,000 based on the Department’s February 13, 2003 inspector report. The Public Works Agreement and Letter of Credit in the amount of \$511,400 were originally issued on September 22, 1989. The roads included in this agreement are: Long Lane (612’), Sunburst Drive (666’), and Surfside Drive (746’).
  - d. Public Works Agreement Addendum for Greenbrier (Whaler’s Creek Run) Subdivision, Section 2, located in the 8th Election District, with an expiration date of April 1, 2004. The letter of credit provided by The First National Bank of St. Mary’s in the amount of \$152,000 remains as posted based on the Department’s February 20, 2003 inspector report. The Public Works Agreement and Letter of Credit in the amount of \$408,800 were originally issued on March 30, 1993. The roads included in this agreement are: Green Leaf Road (1,652’) and Schwartzkopf Drive (228’).

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to authorize Commissioner McKay to sign the Public Works Agreement and Agreement Addenda items 3.a through 3.d. Motion carried.**

4. Department of Facilities Management (*Gary Whipple, Project Manager*)  
Status update on coffee bar for Lexington Park Library.

Planning and design for the coffee bar has been completed but the project has not gone to bid. MetCom advised that a 1,000 gallon grease trap would be needed for the proposed coffee bar. The estimated cost to retrofit plumbing and electrical, install cabinetry, dishwasher and grease trap meets the internal planning figure of \$36,000.

*It was the consensus of the Board that \$36,000 was excessive for this project. Staff was directed to issue an RFP to provide electrical/plumbing upgrades only to the point of hook-up and a grease interceptor. Health Department requirements will be handled by the coffee vendor.*

5. Human Resources Department (*Dawn Drew, Deputy Director*)  
To approve and sign 14 annual listings for the 745 eligible, active volunteers of the SMC Fire Departments, Rescue Squads & ALS who qualified for Length of Service Awards Program service credit in 2002.

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign the listings for eligible volunteers for service credit. Commissioner Mattingly abstained from the vote. Motion carried.**

6. Mosquito Control  
To review MDA budget (local and county portions) of operating expenses for mosquito control in St. Mary's County and if approved authorize Comm. President to sign the budget commitment for mosquito control.

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

7. Resolution re Military Leave: Gap Pay

**Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt a resolution to provide military differential pay to those employees called for active duty as a result of terrorist attacks on September 11, 2001, or pursuant to Operation Enduring Freedom or Operation Iraqi Freedom. Motion carried.**

## **CRITICAL AREA PROGRAM:**

### **REQUEST FOR REVISIONS TO CONDITIONS OF APPROVAL**

Present: Sue Veith, Environmental Planner  
George Forrest, Acting Director DPZ  
John Norris, County Attorney

Ms. Veith presented recommendations to resolve outstanding items (#1, 16, 17 and 21) from the Chesapeake and Coastal Bays Critical Area Commission's Conditions (CBCA) of Approval for the county's local program. Critical Area Commission staff indicated that they could recommend the proposals to the CBCAC.

Commissioner Mattingly opposed the restrictions imposed by #17 on the small waterman. There needs to be some flexibility for county government to authorize, perhaps through a variance process, what the waterman can or cannot do from his private property. Even though there is a variance process, it requires CAC approval.

*Ms. Veith was directed to go back to the CAC to discuss the possibility of the county having a local variance process (based on the adequacy of parking) that would address concerns with restrictions contained in item #17 and to clarify the provision for fuel pumps in private communities. This item will return to the Board on April 29.*

The three new Commissioners will review the videotapes of the prior public hearing related to zoning ordinances for Critical Areas.

### **SEDIMENT CONTROL INSPECTION AND ENFORCEMENT**

Present: Robin Guyther, Director Permits & Inspections  
Bruce Young, Manager Soil Conservation District  
Al Stewart, Soil Conservation District Board Conservationist  
Stanley Boothe, Soil Conservation District Board Chair  
Alfred Knott, Soil Conservation District Board Vice Chair  
Donnie Oker, Soil Conservation District Board Member

The issue at hand is the lack of inspections for sediment control at single family detached home sites. The two MDE inspectors assigned to St. Mary's County handle sediment control for all projects other than single family detached home sites. Mr. Young provided information on how neighboring counties enforce erosion and sediment controls and reviewed the costs provided to the previous board for start-up and annual costs for the District to assume inspection authority for single lot plans. Mr. Guyther proposed the following:

The first inspection on a single family detached site is for the footer. It is proposed that footer inspection not be performed unless sediment control devices are installed. At the footer stage, the lot is generally rough graded and a driveway

is usually established. Sediment control is needed at this stage. This proposal would mean that no building inspections would be done without sediment controls in place. If the MDIA inspector goes to site for a footer inspection and the sediment control plan is not implemented, the inspector will be instructed not to do the footer inspection. MDIA may then charge an additional inspection fee to revisit the site.

*The Board concurred with the revised policy as presented by Mr. Guyther and asked him to keep the Board informed of any complaints regarding this change.*

## **COMMISSIONERS' TIME**

### **Commissioner Raley**

- Attended the 7<sup>th</sup> District Optimist Club's 35<sup>th</sup> Anniversary. They are to be highly commended for their work with county youth.

### **Commissioner Dement**

- Attended, with Commissioner Raley, Jenks Mattingly's retirement ceremony, which was great fun.

### **Commissioner Mattingly**

- Enjoyed the grand opening ceremony at the Maryland Fire and Rescue Institute Training Center in La Plata, also attended by Congressman Hoyer, and many others. Senator Middleton was instrumental in getting the funding for this facility. Commissioners are encouraged to visit this facility.
- Also want to recognize the members of the 7<sup>th</sup> District Optimist Club who were honored for their long-term service.

### **Commissioner Jarboe**

- Gave presentation at Holy Angels Sacred Hearts School for Career Day. During discussions with the teachers and the principal, poor cable connections were discussed. *Request staff forward the school's letter regarding poor service to ComCast Cable Company for their action.*

### **Commissioner McKay**

- Due to scheduling conflicts, apologize to the 7<sup>th</sup> District Optimist Club for not attending their event.
- Enjoyed the 3<sup>rd</sup> Annual Month of the Young Child Black Tie Ball on April 5, at the Immaculate Heart of Mary Hall and also attended Tomorrow's Child Gala.
- The public forum will be held on Tuesday, April 15, at 6:30 p.m. at the Lexington Park Library.
- The County's proposed budget was based on the Governor's proposed budget presented to the Legislature last week. The Delegates, however, agreed to a budget substantially different than what this Board used as a guide for FY04. Through proposed tax increases on citizens and businesses, and cuts in funding to counties, the citizens of SMC will be adversely affected. The additional cuts which St. Mary's County will have to make in our local budget has the potential to adversely affect

local education, law enforcement, rescue squads and the many civic and community organizations that operate outside of County government yet provide tremendous services to the citizens of St. Mary's County.

Commissioner President McKay also expressed his concern regarding publication of alleged discussions during an Executive Session of the Board.

**ADJOURN**

**Commissioner Dement moved, seconded by Commissioner Jarboe, to adjourn the meeting at 2:30 p.m. Motion carried.**

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

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