

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, May 10, 2005**

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)

CALL TO ORDER

The meeting was called to order at 9:18 a.m.

VOTE TO BRING TABLED ITEM BACK FOR DISCUSSION/DECISION

Commissioner Jarboe moved, seconded by Commissioner Dement, to bring back to the Commissioners' afternoon agenda a County Administrator item that was tabled at the April 26, 2005, meeting. Motion carried 5-0.

The item in question, an Ordinance transferring real property to the Board of Trustees of the College of Southern Maryland, was tabled at Commissioner Jarboe's request to allow time for him to view the public hearing record of May 16, 2000, regarding this matter.

VOTE TO ADD EXECUTIVE SESSION

The Commissioners agreed to add an Executive Session to the agenda at 1:30 pm under the Personnel authority and to remove the decisions on proposed amendments to the water and sewer comprehensive plan scheduled for 11:30. The water and sewer amendment decisions will be rescheduled once the appropriate paperwork has been completed by staff.

APPROVAL OF CHECK REGISTER

Commissioner Jarboe moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, May 3, 2005. Motion carried.

EMPLOYEE SERVICE AWARDS

Present: June Robrecht, Acting Director, Human Resources

The Board of County Commissioners recognized employees by presenting awards for their services to St. Mary's County Government for 10, 15, 20, 25, and 30 years.

PROCLAMATIONS

The Board of County Commissioners presented the following proclamations:

- Emergency Medical Services Week
- Correctional Officer Appreciation Week
- National Police Week

DISABILITY AWARENESS: PARENT ADVOCATE MELISSA ALEXANDER

Present: Lynn Morgan, Supervisor for Instruction, Fine Arts
Debra Pearce, Supervisor, Dept. of Special Education

Melissa Alexander, Parent Advocate for St. Mary's County Public Schools, was unable to attend the Commissioners' meeting. Ms. Pearce acknowledged Ms. Alexander's special contributions to disabled students in St. Mary's County and accepted a commendation from the Commissioners on her behalf.

COUNTY ADMINISTRATOR

1. Draft Agendas for May 17 and May 24, 2005
2. **Walden/Sierra, Incorporated**

Present: Dr. Kathleen O'Brien, Executive Director

- (a) **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign a renewal application for ongoing funding for the Domestic Violence Program to the State of Maryland Dept. of Human Resources. Motion carried, 5-0.**
- (b) **Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign a renewal application for ongoing funding for the Rape Crisis Program to the state of Maryland Dept. of Human Resources. Motion carried, 5-0.**

3. **St. Mary's County Health Department**

Present: Karen Yates, Coordinator, Infants and Toddlers Program

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign a Resolution for the reappointment of St. Mary's County Health Department as the Local Lead Agency for the St. Mary's County Infants and Toddlers Program. Motion carried 5-0.

4. Department of Public Works

Present: George Erichsen, Director

(a) **Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President to sign Public Works Agreement for Ben Oaks Subdivision, Phases 1, 2, 3 & 4, located in the 5th Election District. Motion carried 5-0.**

(b) **Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Public Works Agreement Addendum for Southwoods PUD Subdivision, Phase 3, located in the 8th Election District. Motion carried 5-0.**

(c) **Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the Budget Amendment to fund the airport improvements in FY 05 in lieu of FY 06 per request of the MD Aviation Administration and to acknowledge that the corresponding FY 06 project shown in the Recommended CIP will no longer be required. Motion carried, 5-0.**

6. Department of Public Safety

Present: Patrick Walsh, Director, Public Safety
Tim Bennett, Emergency Planner
Bob Kelly, Director, IT Department
Captain Cusic, Office of the Sheriff

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Memorandum of Agreement between the MD Emergency Management Agency and St. Mary's County for the Federal FY2005 Homeland Security Grant. Motion carried, 5-0.

COUNTY ATTORNEY'S OFFICE: PRESENT NEGOTIATED FRANCHISE AGREEMENT WITH COMCAST OF MARYLAND, INCORPORATION, AND REQUEST AUTHORIZATION TO ADVERTISE PUBLIC HEARING

Present: George Forrest, County Administrator

John B. Norris, III, County Attorney
Bob Kelly, IT Director
Bruce Abbott, Vice President & General Manager, Comcast of Maryland
Angela Patrick, Reg. Director of Governmental Affairs
Chris Comer, Director of Governmental Affairs Chair

County Attorney John Norris reviewed the negotiation process and highlighted the major provisions of the Agreement. Mr. Abbott explained how Comcast intends to serve the citizens of St. Mary's County under the Agreement.

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize the scheduling of a public hearing to present the Negotiated Franchise Agreement with Comcast of Maryland, Inc. for public comment. Motion carried 5-0.

ANNUAL HISTORIC PRESERVATION AWARDS AND HISTORIC PRESERVATION MONTH PROCLAMATION

Present: Mary Hayden, Member, Historic Preservation Commission (HPC)
Muffin Padukiewicz, Member, HPC
Jim Grusholt, Member, HPC

The Commissioners presented the 2005 Historic Preservation Project Awards to the following recipients:

- Edwin Cole and Patricia Cole (Patricia and her daughter were present) for repair and reuse of a tobacco barn in St. Mary's City.
- Michael and Carrie Kline (not present) for two oral history CDs: "Born and Raised in Tobacco Fields" and "African American Sacred Singing."
- Richard and Shawn Knott for their book, *Memories of Sotterley*.
- Linda Davis Reno for her book, *Images of St. Mary's County*.
- Kimberley Cullins and Lydia Wood received program awards for their years of work at St. Clements Island Potomac River Museum.

COMMISSIONERS' TIME

Commissioner Mattingly

Congratulations to County First Bank. There was a great turnout for the ribbon cutting of their second branch in St. Mary's County, located at the intersection of Rt. 6 and Rt 5.

Congratulations to staff and everyone who planned and carried out Employee Wellness Day. It was a good program and a huge crowd this year. Thanks to all for participating.

Attended the dedication of the new College of Southern Maryland campus in Prince Frederick. The campus is a nice addition to the College of Southern Maryland.

Congratulations to the Sotterley Foundation and all who were involved in the Sotterley Barn dedication.

Commissioner President McKay and I represented the Board at the groundbreaking for the VXX presidential helicopter hanger at Pax River. This project will involve a lot of local businesses and contractors.

Commissioner Jarboe

No comments this week.

Commissioner Raley

No comments this week.

Commissioner Dement

It was good to see so many county employees at the Wellness Day events. Thanks to all for putting this together and to all those who participated.

Commissioner President McKay

The Commissioners send their condolences to Alan and Mary Mattingly on the loss of their son, Troy.

I would like to invite the Commissioners once again to the public forum on critical areas on May 11 at 6:30 pm at St. Mary's College. Critical Area Chairman Senator Marty Madden and Executive Director Ren Serey will be talking about the role of the Critical Area Commission and taking questions from the public on any concerns they may have.

The Leonardtown Wharf Project received final approval at last week's Critical Area Commission meeting.

COUNTY ADMINISTRATOR (continued)

5. Real Property Manager and Office of the County Attorney

Present: John B. Norris III, County Attorney

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and sign the Ordinance for the purpose of transferring certain real

property to the Board of Trustees of the College of Southern Maryland, in accordance with and as required by 1999 Md. Law 695. Motion carried, 5-0.

Commissioner Jarboe certified that he and Commissioner Dement did review the video tape of the May 16, 2000, public hearing on this item.

VOTE TO GO INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to meet in Executive Session in order to discuss Personnel, as provided for in Article 24, Section 4-210(a)1. Motion carried, 5-0.

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George Forrest, County Administrator
Donna Gebicke, Recorder

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

Time Held: 1:55 – 3:45 pm

Action Taken: The Commissioners interviewed a potential candidate for the position of Human Resources Director and discussed other personnel matters.

NICOLET PARK RIBBON CUTTING AND DEDICATION CEREMONY, LEXINGTON PARK

The Board of County Commissioners attended the Nicolet Park Ribbon Cutting and Dedication Ceremony in Lexington Park, Maryland.

ACTION FROM EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to direct staff to proceed as discussed in Executive Session regarding Personnel matters. Motion carried, 5-0.

(The following was transcribed by Kate Mauck)

PUBLIC HEARINGS TO CONSIDER PROPOSED COMPREHENSIVE WATER & SEWER PLAN AMENDMENTS

Present: Jeff Jackman, Senior Planner
Denis Canavan, Director, Land Use and Growth Management
John B. Norris III, County Attorney

The Board of County Commissioners conducted public hearings in order to consider proposed Comprehensive Water and Sewer Plan (CWSP) Amendments as outlined below. Mr. Jackman reported that the following public hearings were legally advertised in *The Enterprise* newspaper on April 20th and April 27th, 2005. It was announced that the properties were duly posted and that all neighboring property owners were notified of the public hearings.

CWSP #04-120-006, Forest Ridge – Located at the Charlotte Hall Town Center, immediately south of the intersection of Mt. Wolfe Road and Comanche Lane, about 3,500 feet east of Three Notch Road (MD5), Tax Map 1 and 4, Grid 8, Parcel 613, Election District 5. The property owner is Jane G. Henderson, and the Agent is DayTech Engineering. The proposal is to amend service area maps III-4 and III-1 to change the water service category from W-6 (service in 6 to 10 years) to W-3D (in 3-5 years, developer financed).

The concept site plan was reviewed by all the TEC agencies during their March 11, 2004 meeting. The Planning Commission granted concept approval on October 12, 2004, and conducted a public hearing regarding the matter on December 13, 2004; by motion they voted unanimously to recommend approval to the County Commissioners.

Commissioner President McKay questioned the County Attorney regarding any potential conflict of interest in this matter, due to his family's business. The County Attorney reported that he did not believe the Ethics Commission would determine that there was a conflict of interest; however, the Commissioner President requested an Advisory Opinion from the St. Mary's County Ethics Commission prior to the final vote on this matter.

Commissioner Raley referred to documentation which stated that the developer would construct the water distribution system consisting of 8- inch and 10- inch water lines and a storage tank. He requested that Mr. Jackman provide information prior to the Commissioners' final decision on the matter regarding whether the storage tank is above ground and how many gallons the tank will hold.

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

Mark Cohen, Representative of contract purchaser of the property – Reported that connection to a public system is required by Zoning Ordinance 70-.9 because it is more than 25 lots. Reported that the process is only at the concept point, and stated that they must return to the preliminary process to ensure that they meet all the technical review

requirements. Stated that the exact size of the storage tank has likely not been completed at this point in time, as it is based on calculation and also must meet requirements of the Metropolitan Commission - that the Commission must approve it and it must meet their standards. Stated that the water system is a natural progression from a W-6 to W-3, and asked the Commissioners to provide approval.

Rodney Hardesty, property owner at Edinburg Estates – stated that he received a letter regarding the issue and that he was unsure of the situation. He thought there might be a requirement to go from his private water system to the public system. Mr. Hardesty was informed that this was not the case.

As there was no one else to speak on this matter, the Commissioner President closed the public hearing for public comment. The record will remain open for written public comment for ten days, and will then be placed on an agenda for final discussion and a decision.

CWSP #04-120-041, Woodland Acres – Located at 23124 Pine Court, California, MD, 20619 in the 8th Election District. The owner is Corey Allan Properties LLC and the Agent is Nokleby Surveying, Incorporated. The proposal is to amend service area maps III-34 and IV-34 to change the service category from W-6D, S-6D (Service in 6 to 10 years, developer financed) to W-3D, S-6D (service in 3-6 years, developer financed) for 10 acres described as Tax Map 34, Grid 17, Parcel 87.

The concept site plan was reviewed by all the TEC agencies in November 2004, and the Planning Commission granted concept approval on February 28, 2005, completed a public hearing and recommended approval on March 28, 2005.

Commissioner President McKay opened the public hearing for public comment, and as no one was present to speak regarding the matter, the public hearing was closed. The record will remain open for written public comment for ten days, and will then be placed on an agenda for final discussion and a decision.

CWSP #04-110-073, K and R Subdivision - Located at the Hollywood Town Center, immediately south and west of the intersection of Clarks Mill Road and Mervell Dean Road, Tax Map 34, Grid 8, Parcel 613 in the 6th Election District. The property owners are Randy M. Johnson, Constance A. Johnson, Kevin G. Cusic, and Mary C. Cusic, and the agent is William P. Higgs for Little Silences Rest, Incorporated. The proposal is to amend service map IV-34 to change the service area category from S-6D (sewer service in 6 to 10 years, developer financed) to S-3D (sewer service in 3-6 years, developer financed) for 3.7 acres.

The concept site plan was reviewed by all the TEC agencies in September 2004. The Planning Commission granted concept approval on October 12, 2004, completed a public hearing and recommended approval on February 28, 2005.

Mr. Bill Higgs, representative of Little Silences Rest, Incorporated, responded to questions regarding the concept plan.

Commissioner President McKay opened the public hearing for public comment, and as no one was present to speak regarding the matter, the public hearing was closed. The record will remain open for written public comment for ten days, and will then be placed on an agenda for final discussion.

PUBLIC FORUM

The Board of County Commissioners conducted their monthly public forum in Room 14 of the Governmental Center. The following individuals spoke:

Susan Gragan, 38855 Mount Wolf Road – has a peach orchard and berry farm on Mount Wolf Road. Stated that she is not opposed to development. Expressed concern and stated that she is opposed to the possibility of placing a 500-pound cowbird in the midst of some wrens and sparrows. Many neighbors have heard rumors about what is happening at Forrest Ridge and would like answers. Referred to the mix of homes on Mount Wolf Road, and expressed concern about how many units that would really be built on the site – 50 units on 130 acres. Wanted to know if an access road to Golden Beach Road was planned and expressed concerns about adequate public facilities. *Commissioner President McKay asked Mr. Canavan to meet with Ms. Gragan.* In addition, the developer provided his contact information and stated that he would be happy to keep Ms. Gragan apprised of the situation.

Tom Quade, 29645 Charlotte Hall, located beside the new Senior Center – Stated that buffer has not yet been built, which causes vehicle noise, particularly at night. In addition, there is a water drainage issue with approximately 75 percent of the water from the Senior Center property running onto his property. He reported that grass seed was put down today, which he was certain would also run onto his lawn. Referred to a letter he received from the Maryland Department of the Environment dated July 12, 2004, which was written in response to Mr. Quade's request for their review of the situation. The letter outlined the need to increase the "swale" on the property in order to prevent the storm water issues that have been occurring; he has not seen any changes, and it appears now that construction is nearing an end. Have been experiencing taste and odor problems from his well and a neighbor is experiencing problems as well. He has paid for water testing and his family must use purchased water to drink and to cook with. *Commissioner President McKay asked that staff respond very quickly to this situation.*

Theresa Haley, Century 21 – Has former customers in the St. James area in Lexington Park, Sections 3 and 4, where debris, tree roots, and various other things remain after completion by the builder and the excavator. The two entities blame each other, and she is looking for information on what other direction she can take to resolve the situation. Stated that the debris removal will eventually become a County expense and the environmental issues will be a natural resources expense, which the county will

eventually have to pay. *Staff reported that they would work with Ms. Haley regarding this issue.*

Commissioner President McKay stated that he has expressed for two and one half years that he believes there should be a 3-1-1 Customer Service Number for County Government, so that citizens have a number to call to respond to their questions, and that Commissioners be made aware of not only the questions, but the answers as well. The 3-1-1 Customer Service Number Program is operated in other jurisdictions and should be implemented in St. Mary's County.

ADJOURNMENT

The meeting adjourned at 7:40 p.m.

Minutes Approved by the Board of County Commissioners on _____

Donna Gebicke, Administrative Assistant to the BOCC

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