

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, June 7, 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
Kate Mauck, Senior Administrative Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:13 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, 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 31, 2005 as corrected. Motion carried, 5-0.

COUNTY ADMINISTRATOR

1. Draft Agenda for June 13 and June 14, 2005 (*There will be no meeting on June 21, 2005*)
2. **State's Attorney's Office, Child Support Division**

Present: Michael Stamm, Deputy State's Attorney

Commissioner Dement moved, seconded by Commissioner Raley, to approve acceptance of Cooperative Reimbursement Incentive funds to be utilized by the State's Attorney's Office, Child Support Division, and authorize Commissioner President to sign related Budget Amendment. Motion carried, 5-0.

3. Circuit Court

Present: Teresa Weeks, Senior Legal Assistant

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve acceptance of unanticipated FY 2002 and 2003 Cooperative Reimbursement Child Support Incentive funds and authorize Commissioner President to sign related Budget Amendment. Motion carried, 5-0.

4. Department of Public Works and Transportation

Present: George Erichsen, Director

- a. Public Works Agreement for the Westbury PUD Subdivision, Phase 2, Sections 3, 4 & 5. *Located in the 8th Election District with an expiration date of July 1, 2007. A Bond has been provided by the Safeco Insurance Company of America in the amount of \$1,250,600. The roads included in this agreement are: Westbury Boulevard West (1,976'), Gooseneck Drive (1,549'), Saltmarsh Drive (546'), Jettison Drive (523'), Lookout Drive (873'), Croaker Court (186'), Port Court (211'), Starboard Court (178'), Compass Court (258'), Saltmarsh Court (526'), and Jettison Court (91').*
- b. Public Works Agreement Addendum for the Emerald Hills Subdivision, Section 4. *Located in the 8th Election District with an expiration date of February 1, 2006. The Letter of Credit provided by the County First Bank in the amount of \$103,000 remains as posted based on the Department's Inspection Report dated March 17, 2005. The Public Works Agreement and Letter of Credit in the amount of \$103,000 were originally issued on March 28, 2003. The roads included in this agreement are: Anita Court (542') and Colleen Place (175').*

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Public Works Agreement for Westbury PUD Subdivision, Phase 2, Sections 3, 5, & 5, located in the 8th election district and Public Works Agreement for Emerald Hills Subdivision, Section 4, located in the 8th election district. Motion carried, 5-0.

- c. **Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Budget Amendment closing out the old Lexington Park Library-Newtowne Players Account and moving remaining funds into the BOCC Reserve Account. Motion carried, 5-0.**

5. Department of Recreation and Parks and Community Services

Present: Phil Rollins, Director
Arthur Shepherd, Recreation Division Manager

Kelsey Bush, Youth Coordinator
Jean Valentine, Childcare Coordinator, Recreation Division

- a. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the MOA for the AmeriCorps *VISTA Summer Associate Program. Motion carried, 5-0.**
- b. **Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Lease Agreement with St. Peter Claver Church for use of the church as host site for 2005 Summer of Safety and Arts and Reading Program (SOSAR). Motion carried, 5-0.**
- c. **Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President to sign Agreement with St. Mary's County Public Schools to furnish food service for the SOSAR program. Motion carried, 5-0.**

6. St. Mary's County Community Development Corporation

Present: Robin Finnacom, Executive Director

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the Resolution supporting the expansion of the Lexington Park Designated Neighborhood. Motion carried, 5-0.

DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION: PRESENT RESOLUTION TO REALIGN BROWN ROAD (COUNTY RT. 30224)

Present: George Erichsen, Director

The Department of Public Works and Transportation presented a Resolution for final decision by the Board of County Commissioners regarding the Realignment of Brown Road, County Route 30224. A public hearing was conducted on this matter on May 24, 2005. The length of realignment is approximately 1,076 feet fronting the Forrest Farm Subdivision, which is located in the Third Election District.

Mr. Erichsen outlined two pieces of correspondence received during the open record period. The first correspondence was a memorandum from Mr. Erichsen dated May 26, 2005 to the Commissioners as a follow-up to a conversation he had with Cheri Taylor and Denna Norris, who spoke during the May 24th public hearing. He stated that Commissioners were advised to maintain Brown Road as the rural minor collector, and that the pavement width would be 20 feet. He further outlined a speed study

report, and stated that the driveway culvert Ms. Norris had spoken about has been properly sized, the roadway will be asphalt, and that, as requested, signage will be posted on the road prior to an upcoming school bus stop. Mr. Erichsen further stated that the road improvement would provide for both vertical and horizontal sight-distance for all modes of transportation. All work is anticipated to be completed by September of this year and the road will not be closed during the construction process.

The second piece of correspondence received was a June 3rd letter from Ms. Denna Norris, which raised several concerns. These concerns include replacing existing curves with a straight section of roadway, and Mr. Erichsen responded to this. Another concern outlined a drainage pattern problem, and this was addressed as well by reporting that the existing drainage will remain the same, with all drainage being collected into the pond which is located on the property. Another concern was the wooded buffer, and Mr. Erichsen provided two exhibits (one before curve & one after curve proposal), and responded to the matter of the buffer. He reported that some of the matters which concern Ms. Norris should be addressed by the developer of another piece of property, which is not germane to the county roadway issue. The remaining issue involved noise, and Mr. Erichsen reported that an asphalt road should provide for a quieter road surface.

In response to questions from the Commissioners, Mr. Erichsen stated that the department will address any drainage issues by improving the culverts and ditches along the road, which is part of the design.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign the Resolution for the Realignment of Brown Road, County Route 30224. Motion carried, 5-0.

COMMISSIONERS' TIME

Commissioner Raley

Thanked individuals throughout the county for their involvement with the recent high school graduation events, and stated that he was thankful there were no bad headlines in the newspaper.

Reported that he attended the Groundbreaking Ceremony for the new Bay District Volunteer Fire Department located in Lexington Park. The new facility will enhance the departments' services to the citizens of the county.

Reported that he recently attended the retirement ceremonies for Brenda Guy and Ernestine Pence, and that they are both to be congratulated for many years of service.

Reported that he attended the 80th Birthday celebration for Ms. Bertell Cooper, who lives in the First Commissioner District.

Reported that he attended a Diversity Forum which was conducted by St. Mary's County Public Schools. Many people were in attendance, and SMCPSS was very gratified to see a great deal of public input. A draft document will soon be coming out on this subject.

Reminded the public to attend the Soap Box Derby event, which will be held this weekend in Leonardtown. Provided details regarding the event.

Reminded the public to attend the St. Mary's County Crab Festival, which will be held this weekend.

Commissioner Dement

Reported that he attended the Groundbreaking Ceremony for the new Bay District Volunteer Fire Department located in Lexington Park.

Reported that he attended some of the commencement exercises that were recently held.

Commissioner Mattingly

Reported that he attended all four high school graduation ceremonies recently, and extended congratulations to the graduates, as well as to their families. Stated that there were some excellent speeches by the Board of Education members and many students, as well as other special guest speakers.

Attended the Groundbreaking Ceremony for the new Bay District Volunteer Fire Department, and expressed congratulations to them as they have worked very hard throughout the building process. Stated that all the Commissioners were thanked for their role in helping with the process and the event, and provided details regarding the new facility.

Commissioner Jarboe

Reported that he attended a very positive meeting of the Recreation and Parks Board on Thursday evening, which was well attended. Stated that the Commissioners will soon receive copies of the minutes to review, and their various needs will be outlined.

Reported that he attended Monsignor Brady's Golden Jubilee Celebration on Sunday, and he is wished all the best.

Directed Mr. Erichsen to respond to the Downs family regarding a 25-mph speed limit need on Bowles Road. Mr. Erichsen reported that a Resolution will be forthcoming on

the subject, but that he would follow through with a letter, after approval of the Resolution.

Commissioner President McKay

Expressed congratulations to George Guy, the Budweiser Distributor, and to Frankie Mertz, as well as others who helped with the recent fundraising event for the ARC of Southern Maryland. The event has been held for many years and it has done much good. Reported that he participated in the tournament, and gave apologies for having to miss the Bay District Fire Department grand opening celebration event, although he will certainly be at their ribbon-cutting ceremony.

Expressed his apologies to Commissioner Jarboe, as he was late arriving at the 50th Jubilee Celebration for Monsignor Brady. He did arrive there late, and then presented a proclamation in honor of the Monsignor.

Reported that the Commissioners would soon be departing the meeting in order to attend the ribbon-cutting event for the Northern Senior Center, which is scheduled for 11:00 a.m. Reported that Commissioners will then tour the progress on the Hughesville Bypass, which is hosted by the State Highway Department. Also reported that a public hearing is scheduled this evening at 6:00 p.m. on the Adoption of the Negotiated Franchise Agreement between the County and Comcast of Maryland, Inc., to be held at the Golden Beach Volunteer Fire Department Substation in Mechanicsville.

NORTHERN SENIOR CENTER RIBBON CUTTING CEREMONY & UPDATE & TOUR OF HUGHESVILLE BYPASS WORK AREA

The Board of County Commissioners departed the Governmental Center in order to participate in the Northern Senior Center Ribbon Cutting Ceremony, 29655 Charlotte Hall Road, Charlotte Hall. In addition, an update of the Hughesville Bypass Work Area was conducted at the Maryland State Highway Administration Field Office, 15322 Prince Frederick Road (Rt. 231) in Hughesville, and a tour of the bypass was provided.

DISCUSSION REGARDING THE NEED TO MOVE INTO EXECUTIVE SESSION

Present: John B. Norris, III, County Attorney

There was discussion by the Board of County Commissioners regarding the need to move into Executive Session on a matter of personnel. The County Attorney informed them that the subject matter does not meet the qualifications for going into Executive Session.

PUBLIC HEARING REGARDING THE ADOPTION OF THE NEGOTIATED FRANCHISE AGREEMENT BETWEEN THE COUNTY AND COMCAST OF MARYLAND, INC.

Present: John B. Norris, III, County Attorney

The Board of County Commissioners conducted an evening Public Hearing regarding the adoption of the Negotiated Franchise Agreement between St. Mary's County and Comcast of Maryland, Inc. at the Golden Beach Volunteer Fire Department Substation, 29848 Theresa Circle in Mechanicsville.

Mr. Norris reported that the public hearing was properly advertised on May 24 and June 3, 2005. He outlined a needs study which was conducted earlier, and outlined public access channel availability, and the real-time availability to the County Government station which would be provided to citizens in the northern portion of the county, which is now available to other citizens in the remainder of St. Mary's County. In addition, the contract would last 15 years, and St. Mary's County Public Schools would have educational programming.

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

Dave Sampson, 29777 Vincent Circle – asked what the timeframe would be on the agreement. Also stated that he needs internet cable services to be provided to the firehouse without an extra fee that is normally charged to a commercial facility. The County Attorney responded to the timeframe issue.

Pat Gourley, 40317 Waterview Drive – Reported that she currently can view the Charles County Commissioners' meetings, and asked if the new services would provide access to both Charles and St. Mary's County's cable channels or if one will be dropped for the other. She was told that she would receive both.

ADJOURNMENT

The meeting adjourned at 6:17 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator

This page intentionally left blank.