

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, July 20, 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 minutes were recorded by Kate Mauck:

CALL TO ORDER

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

APPROVAL OF CHECK REGISTER

Commissioner Raley 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, July 13, 2004. Motion carried.

PRESENTATION: MOSAIC COUNTY SEAL

Present: Michael Krilich, Student, St. Mary's Ryken High School

Mr. Krilich presented the Board of County Commissioners a prototype of a mosaic county seal. Background information was presented regarding Mediterranean Marble Mosaics, and the importation of tile from Italian manufacturing businesses all over the Mediterranean. Mr. Krilich stated that he would return in approximately six weeks with a finalized mosaic county seal.

Commissioner Jarboe moved, seconded by Commissioner Dement, to provide \$600 from the Reserve Fund Account to help offset some of the costs incurred by Mr. Krilich for the mosaic county seal. Motion carried.

COUNTY ADMINISTRATOR

1. Draft Agenda for July 27 and August 3, 2004

2. **Local Management Board**

Present: Bennett Connelly, Executive Director

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign FY05 Community Partnership Agreement between the Local Management Board, the County, and the Governor's Office for Children, Youth and Families. Motion carried.

3. **Department of Economic and Community Development – Lexington Park Plan**

Present: John Savich, Director
Robin Finnacom, Lexington Park Plan

a. Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Community Development Block Grant Agreement for Lexington Manor and related Budget Amendment. Motion carried.

Commissioner Raley moved, seconded by Commissioner Dement, to authorize the scheduling of a Supplemental Public Hearing for \$504,960 which was not originally budgeted for during this fiscal year. Motion carried.

b. Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Request for Release of Funds regarding the Lexington Manor Southern Parcel Acquisition, Relocation Assistance and Demolition Project. Motion carried.

Commissioners asked that Mr. Canavan provide clarification on a June 29th letter included in the Commissioners' packets, which indicated that a verbal agreement had been made – need to know who made the verbal agreement.

4. **Department of Public Works and Transportation**

Present: George Erichsen, Director

a. Public Works Agreement Addendum for Helen's Retreat Subdivision, Section 1. Located in the 4th Election District with an expiration date of July 1, 2005. The letter of credit provided by the Sun Trust Bank in the amount of \$184,300 remains as posted based on the Department's inspection report dated June 28, 2004. The Public Works Agreement and Letter of Credit in the amount of \$184,300 were originally issued on July 17, 2003. The road included in this agreement is: Troy Court (2,685').

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Public Works Agreement Addendum item a. Motion carried.

- b. Deed and Resolution accepting Green Leaf Road, Schwartzkoph Drive and Freedom Run Street located in the Greenbrier Subdivision, Section 2, 8th Election District. Also, attached are Resolutions posting a 25-mph speed limit and stop signs for said roads.
- c. Deed and Resolution accepting Woodmont Drive and Laurel Court located in Chestnut Hills Subdivision, Sections 5 and 6, 2nd Election District. Also, attached are Resolutions posting a 25-mph speed limit and stop signs for said roads.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and sign Deeds and Resolutions for items b and c. Motion carried.

- d. Public Works Agreement Addendum for Meadow Lake Subdivision, Phase 2. *Located in the 8th Election District with an expiration date of July 1, 2005. The letter of credit provided by Maryland Bank & Trust Company in the amount of \$87,800 remains as posted based on the Department's Inspection Report dated June 16, 2004. The Public Works Agreement and Letter of Credit in the amount of \$364,300 were originally issued on August 15, 2001. The roads included in this agreement are: Foxtail Place (251'), Goldenrod Drive (1,259') and Columbine Place (226').*
- e. Public Works Agreement Addendum for Meadow Lake Subdivision, Phase 3. *Located in the 8th Election District with an expiration date of July 1, 2005. The letter of credit provided by Maryland Bank & Trust Company in the amount of \$337,000 remains as posted based on the Department's Inspection Report dated July 2, 2004. The Public Works Agreement and Letter of Credit in the amount of \$433,700 were originally issued on August 8, 2002. The roads included in this agreement are: Foxglove Place (156'), Heather Street (1,589'), Cosmos Court (405'), and Blue Sage Place (125').*

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Public Works Agreement Addendums items d and e. Motion carried.

- f. Abandonment of Portion of Airedele Road, County Route #30398

It was requested that Mr. Erichsen determine the exact location of the dry hydrant and report back to the Commissioners.

Commissioner Dement moved, seconded by Commissioner Raley, to authorize the scheduling of a public hearing regarding the Abandonment of Portion of Airedele Road, County Route #30398. Motion carried.

5. **Department of Public Works & Transportation – Transportation Manager**

Present: George Jarboe

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Memorandums of Agreement with St. Mary’s County Department of Social Services for Job Access #1 and Job Access #2. Motion carried. In addition, Mr. Jarboe provided an update on new bus routes provided, which enables citizens to get into Washington D.C. and also access metro stations.

6. **Recreation, Parks, and Community Services**

Present: Bill Ball, Parks Manager

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Grant Application/Agreements for FY05 Waterway Improvement Fund Application and Project Agreements for Wicomico Shores, Piney Point Public Landing, Fox Harbor Pier Renovation, Derelict Boat/Debris Removal. Motion carried.

Commissioner Jarboe directed the Department of Recreation, Parks, and Community Services to check on the Coast Guard marker and turned-over concrete that is an obstruction in St. Jerome’s Creek. The obstruction was to have been removed by the Army Corps of Engineers; however, it is necessary to provide follow-up.

7. **County Attorney**

Present: John Norris, III

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign documents necessary to place a lien on the 2004 Ford ambulance purchased by the Hollywood Volunteer Rescue Squad with Revolving Loan Funds, the subject of a Security Agreement approved February 13, 2004, and also to approve and authorize the Commissioner President to sign the documents necessary to place a lien on the 2004 Ford ambulance purchased by the Lexington Park Volunteer Rescue Squad, Inc., with Revolving Loan Funds, the subject of a Security Agreement approved October 24, 2003. Motion carried.

8. **Appointment to Boards, Committees and Commissions**

	<u>Term To Expire</u>
<u>Commission for Women</u>	
Rosemary Bliss	6/30/2006

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign letter of appointment for Rosemary Bliss. Motion carried.

INFORMATION TECHNOLOGY DEPARTMENT: EMERGENCY ALERT SYSTEM UPDATE

Present: Bob Kelly, Director

Mr. Kelly presented an update on the Information Technology Department Emergency Alert System. The challenge for the County is to successfully reach out to inform either a targeted segment or the entire population of the County quickly in the aftermath of an emergency. The current means of communication are: media/press releases, Channel 12 updates, the County's web site, and e-mail. The following information was presented:

- Call out lists and technology available;
- Two types of Emergency Alert Systems are available – stand alone or remotely managed – positives and negatives of each were outlined;
- Collaborative efforts of Information Technology Department and the Emergency Communications Department were outlined;
- Recommendation made to purchase a remotely managed system (LG-Notify), expanding the capabilities of existing system;
- System cost is \$48,000 for the County's Mapping project. Specific breakdown of funds were outlined in detail.

Discussion took place regarding use of Homeland Security fund reimbursement, and staff was asked to look further into this issue.

Staff was directed to bring this issue back to the Commissioners next week in the form of a Budget Amendment for discussion and a final decision.

COMMISSIONERS' TIME

Commissioner Dement

Attended the TRICO Corporation sponsored event that featured the Fabulous Hubcaps at the Hollywood Volunteer Fire Department, which was a very nice event and well attended.

Commissioner Mattingly

Announced that the Leonardtown Carnival is still going on with one more night for the public to come out and support the Volunteer Fire Department. The carnival at Hollywood VFD will be coming next, with one following at Ridge VFD.

Expressed congratulations to Dave Fogo, who was sitting in the audience. Mr. Fogo worked previously with Washington Gas and is now the SMECO Government Affairs Manager, which means the County will continue working with him in the future.

Commissioner Jarboe

Asked staff to prepare a letter thanking Congressman Hoyer for assisting in helping to move the St. Jerome's Creek project ahead. Also suggested the next project to put into the pipeline would be St. Patrick's Creek, which has not been dredged since 1987. A property owner has offered his land for the dumping of the dredge material, and will install a bulkhead to ensure the material does not wash back into the creek, as had occurred previously.

Commissioner Raley

Represented the Commissioners recently by attending the 21st Annual Installation of Officers for the Advanced Life Support Unit at their banquet, which was emceed by Dr. Roach. Commended these individuals for the more than 25,000 hours of volunteer service and responding to 4,380 calls last year.

Reminded citizens that the Board of County Commissioners has no jurisdiction over the placement of cell phone towers and the lack of service in some areas of the County – this is a matter handled by private industry and citizens are encouraged to contact their wireless telephone company. The County does, however, provide service for emergency communications services.

Commissioner President McKay

Concurred with letter to be written to Congressman Hoyer on the matter of St. Jerome's Creek. Outlined problems with the dredging matter and explained how the Commissioners worked to try to provide solutions. Expressed concern that a local newspaper alleged that Commissioner McKay violated the Open Meetings Law – stated that staff will seek an independent party to determine whether or not a violation was actually committed. Expressed the desire, if it is proven that no violation took place, for the editor of the newspaper to take responsibility for his actions.

Asked staff to prepare a letter from the Board of County Commissioners to GMP requesting them to exert every effort possible to get private schools in the County online prior to the beginning of the school year – this should be a letter of encouragement.

Provided background on the softball game that was organized by 98.3 Star FM. They put together a good team, as did the Sheriff's Department. Commissioner McKay enjoyed umpiring for the event, and a good time was had by all.

PATUXENT RIVER PRESERVATION EFFORTS UPDATE

Present: Senator Bernie Fowler
Walter Boyington
Fred Tutman
Tom Wisner

Senator Fowler outlined problems with the Patuxent River and relayed efforts to reaffirm his support for restoration and preservation activities. Mr. Fred Tutman, member of the Patuxent

River Commission, was introduced, and it was announced that Mr. Tutman was recently appointed as a National River Keeper. He provided an update on the efforts and status of River Keepers throughout the United States, and explained what part he would be taking to maintain a presence on the river itself.

Problems with the Patuxent River were outlined extensively, especially as they relate to difficulties since the oil spill. Commissioner Jarboe outlined the need to bring oysters to the top of the water instead of laying in the murky bottom, as well as ongoing efforts to increase the oyster population. Sediment control and other problems were outlined as well.

Tom Wisner stated this is the Year of the River, which is being sponsored by SMECO. He provided background information on beginnings of the Chesapeake Biological Laboratories and provided songs and entertainment encouraging children as well as the elderly to love and care for the rivers and the Chesapeake Bay.

The Board of County Commissioners departed the building at this time in order to attend a luncheon and Cable-Cutting Ceremony at the Leonardtown Library.

The following minutes were recorded by Donna Gebicke:

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: DISCUSSION OF THE CRITICAL AREA AFFORESTATION, REFORESTATION, AND MITIGATION REQUIREMENTS AND NEW LEGISLATION

Present: Denis Canavan, Director, Land Use and Growth Management Department
Sue Veith, Environmental Planner

Ms. Veith and Mr. Canavan presented for review and discussion the afforestation, reforestation and mitigation requirements imposed by the Critical Area Ordinance in accordance with the Chesapeake Bay Critical Area Laws as well as recently passed legislation regarding various Critical Area program provisions.

Staff was directed to proceed with the County's Critical Area ordinance amendment process to address the requirements of the new legislation.

The following minutes were recorded by Kate Mauck:

NAVY MUSEUM ASSOCIATION AND NAVY ALLIANCE, UPDATE ON PLANS FOR NEW MUSEUM

Present: Rear Admiral Gus Eggert, President, Museum Association
Keith Fairfax, Former President, Navy Alliance

Rear Admiral Eggert presented copies of recent Visitor's Logbooks to the Board of County Commissioners and outlined the history of the relocation of the Navy Museum. He provided an overview of the original design plan and stated that the new Museum would have been opening this month, according to the original plans.

Potential reasons for the slowed process on moving forward with the new building were presented and outlined as follows: the public's lack of interest and lack of activity; realignment of priorities on funding by the Board of County Commissioners – past as well as present, primarily due to the necessary funding for the relocation efforts on the Lexington Manor issue; and expiration of a Memorandum of Understanding between the Museum and the County.

Several suggestions were presented, including the development of a new Memorandum of Understanding, moving forward with the demolition of the white building, modifying the facility to be more cost-effective in regard to utilities, reviewing funding sources, and opening the matter up for competition. Mr. Fairfax discussed options and expressed his concern that demolition of the white building was imperative in order to move forward. Discussion also took place regarding the entrance/exit to the site.

The Board of County Commissioners requested the following:

- *Department of Public Works and Transportation to put together a recommendation and estimate of cost after careful review of the site plan;*
- *County Attorney to put together a draft MOU between the County and the Navy Museum, ensuring there are no additional commitments over and above those in the original MOU;*
- *County Attorney to look into where the State is at on this issue – MOU with the State, with recommended revisions, was returned to the State, with no response as yet; and*
- *Navy Museum team will look carefully at the funding issue.*

Commissioner Jarboe moved, seconded by Commissioner Dement, for the Board of County Commissioners to meet in Executive Session in order to discuss Property Acquisition and Personnel issues as provided for in Article 24, Sections 4-210(a)11 and 4-210(a)1, respectively. Motion carried.

The following minutes were recorded by Donna Gebicke:

EXECUTIVE SESSION

Personnel

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

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

Time Held: 3:45 p.m. – 3:58 p.m.

Action Taken: The Commissioners discussed personnel matters.

Property Acquisition/Disposition

Present: Commissioner Thomas F. McKay, President
Commissioner Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
Joyce Malone, Real Property Manager
Donna Gebicke, Recorder

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

Time Held: 4:00 p.m. – 4:10 p.m.

Action Taken: The Commissioners discussed a property disposition matter.

Property Acquisition/Disposition

Present: Commissioner Thomas F. McKay, President
Commissioner Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
Joyce Malone, Real Property Manager
Denis Canavan, Director, Land Use and Growth Management
Donna Gebicke, Recorder

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

Time Held: 4:12 p.m. – 4:24 p.m.

Action Taken: The Commissioners discussed a property disposition matter.

Property Acquisition/Disposition

Present: Commissioner Thomas F. McKay, President
Commissioner Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
Joyce Malone, Real Property Manager
Denis Canavan, Director, Land Use and Growth Management
John Savich, Director, Dept. of Economic and Community Development
Robin Finnacom, Manager, Lexington Park Plan
Donna Gebicke, Recorder

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

Time Held: 4:25 p.m. – 5:28 p.m.

Action Taken: The Commissioners discussed a property disposition matter.

Property Acquisition/Disposition

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

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

Time Held: 5:29 p.m. – 5:44 p.m.

Action Taken: The Commissioners discussed a property disposition matter.

The remaining minutes were recorded by Kate Mauck:

Commissioner Dement was absent from the meeting at this time.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to direct staff to proceed as discussed in Executive Session regarding Property Acquisition and Disposition, with the exception of Circle C's request, and also Personnel matters. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Raley, to direct staff to proceed as discussed in Executive Session with regard to Circle C Ranch. Commissioner Jarboe abstained from the vote; all others voted in favor of the motion. Motion carried.

PUBLIC HEARING ON PROPOSED WAIVER OR DEFERRAL OF IMPACT FEES

Present: John Savich, Director of Economic and Community Development
Tim Faust, Coordinator, Department of Economic and Community
Development
Elaine Kramer, Finance Director

The Department of Economic Development and the Finance Department appeared before the Board of County Commissioners in order to conduct a Public Hearing on a Proposed Waiver or Deferral of Impact Fees to increase the amount of affordable housing in St. Mary's County. A pilot program was outlined and a Draft Ordinance was presented. The Public Hearing was properly advertised on July 9 and July 14, 2004.

Commissioner Dement returned to the meeting at this time.

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

Pat Tyson – Program Manager, Positive Alternatives Institute, Lexington Park – outlined efforts of the Lieutenant Joseph P. Kennedy Positive Alternatives Institute in the County, assisting people with disabilities and also those with substance abuse problems. Spoke in favor of the proposed waiver/deferral of impact fees, stating that it would help the disadvantaged in the community.

Rick Tancreto – Patuxent Habitat for Humanity Board of Directors – expressed support for the waiver of impact fees. Outlined ways the waiver would, in the long run, provide more money to the County due to homeowners paying taxes, etc.

Dennis Nicholson – St. Mary's County Housing Authority – expressed support for the waiver/deferral of impact fees. Outlined median income of families in the County as well as ways that coordinated efforts can help homeowners in this process.

Robert Tourigny – SMTCCAC, Inc. – expressed thanks to the staff of the Housing Authority, Economic and Community Development, and others for working well together in organizing the draft Ordinance. Encouraged the Commissioners to adopt the Ordinance.

Commissioner President McKay closed the public hearing for public comment. The record will remain open for ten days, during which time written comment will be accepted. The matter will be placed on an upcoming agenda of the Board of County Commissioners for discussion and a final decision.

ADJOURNMENT

The meeting adjourned at 6:32 p.m.

Minutes Approved by the
Board of County Commissioners on _____

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