

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS' MEETING**

**GOVERNMENTAL CENTER**

**Tuesday, October 11, 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

Susan Wolfe, Acting Senior Administrative  
Coordinator (Recorder)

*Susan Wolfe recorded the following minutes:*

**CALL TO ORDER**

The meeting was called to order at 9:08 a.m.

**ADDITIONS TO THE AGENDA**

Discussion of the procurement process and decision relative to the County's legal advertising was added to the agenda.

**APPROVAL OF CHECK REGISTER**

**Commissioner Dement moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register. Motion carried, 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, October 4, 2005. Motion carried, 5-0.**

## **PROCLAMATION – UNITED WAY OF ST. MARY’S COUNTY DAY OF CARING**

The Board of County Commissioners presented a proclamation for the Eighth Annual Day of Caring.

## **UPDATE ON HURRICANE KATRINA RELIEF EFFORTS**

Present: Cynthia Brown, Division of Community Services

Ms. Brown reported on the successful work of allied County and community organizations to provide support to 19-23 families who relocated to the County. Nineteen children from those families have enrolled in St. Mary’s County public schools. At least eight families have

determined they will remain in the County. She also complimented the efforts of Messrs. St. Clair and Cropp in their support of the residents of D’Iberville, Mississippi.

## **COUNTY ADMINISTRATOR**

1. Draft Agenda for October 18 and 25, 2005

**Commissioner McKay noted that the Joint Public Meeting with the Southern Maryland Delegation on the 2006 Legislative Proposals will be held on October 19 at 6:30 p.m., and an Executive Session to discuss Personnel, specifically contract employees, will be held on October 31.**

2. **Department of Land Use and Growth Management**

Present: Denis Canavan, Director

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Board of Appeals Application to request an extension of the Conditional Use for the New Market Park & Ride, as requested by the Maryland Transit Association. Motion carried, 5-0.**

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

a. Present: George Erichsen, Director

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign a Public Works Agreement for the Abberley Farms Subdivision, Section 1, located in the 8<sup>th</sup> Election District. Motion carried, 5-0.**

b. Present: George Erichsen, Director, and James Castillo, Development Director,

Faison

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign a claim letter in the amount of \$49,200 to the Bank of America for BJ's First Colony Center. Motion carried, 5-0.**

*Commissioner McKay clarified that he will exercise the authority to sign the Claim Letter only if default is eminent.*

**4. Department of Finance**

Present: Carol Gallagher, Procurement Manager, Finance Department

**Ms. Gallagher reviewed the procurement process and the decision made relative to the awarding of contract for legal, classified and display advertising to St. Mary's Today.**

**BOCC TAKES POSITIONS ON 2006 LEGISLATIVE PROPOSALS**

Present: Heidi Dudderar, Deputy County Attorney

The Board of County Commissioners took positions on the 2006 Legislative Proposals as follows:

Proposal #	Submitter & Proposal	Support	No Support	No Position	Comments
1	<i>Kelly Allen</i> Prohibit convicted sexual offenders from residing within a certain distance of schools and daycare facilities. (Statewide)	Dement Jarboe Mattingly McKay Raley			Strong support for the concept of comprehensively strengthening laws regarding convicted sex offenders.
2	<i>Raymond Dudderar</i>	Dement			The State should look at how these laws are being enforced by MDE.

	Establish objective metrics/ standards for erosion and sedimentation control and hold applicants liable for all damage caused by erosion and sedimentation from disturbed site. (Statewide)	Jarboe Mattingly McKay Raley			
3	<i>Keith Harless</i> Require all persons who are convicted of any sexual offense against a minor to register with the Maryland Sex Offenders Registry. Remove judicial discretion in ordering registration. (Statewide)	Dement Jarboe Mattingly McKay Raley			See Comment for Proposal #1.
4	<i>Keith Harless</i> Prohibit <u>convicted</u> persons listed on the Maryland Sex Offender Registry from residing within ½ mile of any school. (Statewide)	Dement Jarboe Mattingly McKay Raley			Original proposal amended by the BOCC on 10/11/05 to add "convicted".  See Comment for Proposal #1.
5	<i>Keith Harless</i> Require a County government to post on the County television station the name, address, and category of offense of any <u>convicted</u> person registered on the Maryland Sex Offender Registry and residing in that County. (Statewide)			Dement Jarboe Mattingly McKay Raley	Original proposal amended by the BOCC on 10/11/05 to add "convicted".  Provide contact information for registry officials to PIO and other departments to provide to citizens.  See Comment for Proposal #1.

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6	<p style="text-align: center;"><i>Keith Harless</i></p> <p>Require a County government to publish twice a month, in the legal ad section of a newspaper of general circulation in that County, the name, address, and category of offense of any <u>convicted</u> person registered on the Maryland Sex Offender Registry and residing in that County. (Statewide)</p>				<p>TABLED UNTIL 10/18/05.</p> <p>If supported, add "convicted".</p> <p>See Comment for Proposal #1.</p>
7	<p style="text-align: center;"><i>Keith Harless</i></p> <p>Require St. Mary's County government and school system to provide equal compensation to bus drivers for public school routes and bus drivers for private school routes.</p>		<p>Dement</p> <p>Jarboe</p> <p>Mattingly</p> <p>McKay</p> <p>Raley</p>		<p>Local issue. Instead, MGA should consider a statewide requirement for local newspapers to periodically advertise contact information for registry officials.</p>
8	<p style="text-align: center;"><i>Keith Harless</i></p> <p>Amend the St. Mary's County income tax formula to restore the former "piggyback tax" formula.</p>	<p>Dement Jarboe</p> <p>Raley</p>	<p>Mattingly</p>	<p>McKay</p>	
9	<p style="text-align: center;"><i>Keith Harless</i></p> <p>Require County government to provide health services via school health nurses in all schools (public and private) in St. Mary's County.</p>		<p>Dement</p> <p>Jarboe</p> <p>Mattingly</p> <p>McKay</p> <p>Raley</p>		<p>Local issue.</p>
10	<p style="text-align: center;"><i>St. Clements Hundred</i></p> <p>Bond bill for \$300,000 to rebuild the historic lighthouse on St. Clement's Island State Park.</p>	<p>Dement</p> <p>Jarboe</p> <p>Mattingly</p> <p>McKay</p> <p>Raley</p>			<p>Strong support.</p>

11					WITHDRAWN BY SUBMITTER. NO VOTE.
12	<p><i>Emergency Serv. Committee</i></p> <p>Increase bond authorization from the \$3 million to \$5 million to provide additional funding for the St. Mary's County Capital Revolving Financial Fund for Fire Fighting Equipment and Facilities.</p>	<p>Dement</p> <p>Jarboe</p> <p>Mattingly</p> <p>McKay</p> <p>Raley</p>			Enabling authority. Details to be determined via local budget process.

Proposal #	Submitter & Proposal	Support	No Support	No Position	Comments
13	<p><i>Emergency Serv. Committee</i></p> <p>Provide a Countywide real property tax credit for homeowners who install fire sprinkler systems in one- and two- family dwellings.</p>	<p>Dement</p> <p>Jarboe</p> <p>Mattingly</p> <p>McKay</p> <p>Raley</p>			<p>Enabling authority. Details to be determined via local ordinance.</p> <p>Raley – in local ordinance, BOCC should differentiate between homes served by well v. homes served by community water.</p>
14	<p><i>Alcohol Beverage Board</i></p> <p>Establish a one-day Class BTWS on-premise beer and wine tasting or sampling license in St. Mary's County. (SB 777, 2005 Session)</p>	<p>Dement</p> <p>Jarboe</p> <p>Mattingly</p> <p>McKay</p> <p>Raley</p>			Reintroduction from last year.
15	<p><i>Housing Authority</i></p> <p>Provide recordation tax exemption for recorded instruments granting a security interest from public agencies.</p>	<p>Dement</p> <p>Jarboe</p>			Raley – please note weak support. Concern regarding fiscal impact.

		Mattingly McKay Raley			
16	<i>Metropolitan Commission</i> Authorize replacement of benefit assessment with system improvement charge.				TABLED UNTIL 10/18/05.
17	<i>Legal</i> Repeal June 30, 2006 sunset on authorization to use impact fee revenue for solid waste and parks. (Ch. 543 of the 2004 Laws of Maryland)	Dement Jarboe Mattingly McKay Raley			
18	<i>Department of Economic &amp; Community Development</i> Repeal June 30, 2006 sunset on authorization to waive or defer impact fees for affordable housing. (Ch. 543 of the 2004 Laws of Maryland)	Dement Jarboe Mattingly McKay Raley			Other provisions:  -Increase maximum number of waivers to 60, deferrals to 70.  -Increase income cap from 50% of County median family income to 60% of County median family income.  -In (b)(3)(iv), change "operating" to "capital".  -Remove \$350,000 cap.
19	<i>Department of Economic &amp; Community Development</i> Authorize creation of special taxing districts in St. Mary's County to finance growth-related or economic development infrastructure.	Dement Mattingly McKay Raley	Jarboe		Authority already exists for 9 other counties.  Art. 24, §9-1301.

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20	<p style="text-align: center;"><i>Citizens/Commissioner Raley</i></p> <p>Provide an exemption for St. Mary's County from the licensing requirement for "tree experts". (Ch. 197 of the 2005 Laws of Maryland)</p>	<p>Dement</p> <p>Jarboe</p> <p>Mattingly</p> <p>McKay</p> <p>Raley</p> <p>*All supported both 20(a) and 20 (b). See Comments.</p>			<p>Split into two bills:</p> <p>20(a) - Grandfather St. Mary's County citizens who have worked as "tree experts" for 3 or more years before the effective date of House Bill 168 of the 2005 Legislative Session.</p> <p>20(b) – Exempt all St. Mary's County citizens from requirements of the 2005 legislation.</p>
21	<p style="text-align: center;"><i>Douglas Scott Arey</i></p> <p>Decrease the number of days per month that an inmate serving a term of confinement for abuse or sexual abuse of a minor is allowed as a deduction from the term of confinement. (Statewide)</p>	<p>Dement</p> <p>Jarboe</p> <p>Mattingly</p> <p>McKay</p> <p>Raley</p>			<p>House Bill 644 from the 2005 Legislative Session – decrease, from 10 to 5, the number of days per month that an inmate serving a term of confinement abuse or sexual abuse of a minor is allowed as a deduction in advance from the term of confinement.</p>
22	<p style="text-align: center;"><i>Commission on Aging/ NARFE</i></p> <p>Repeal sunset on State enabling authority for St. Mary's County Senior Property Tax Credit. (Ch. 195 of the 2005 Laws of Maryland)</p>	<p>Dement</p> <p>Jarboe</p> <p>McKay</p>	<p>Mattingly</p> <p>Raley</p>		<p>Mattingly – Homestead Property Tax Credit and St. Mary's County property tax credit programs should be revised to provide a better tax credit program for seniors of limited income. There is also concern about the fiscal impact of the property tax credit program and we need time to assess this.</p>

**COMMISSIONERS' TIME**

Commissioner Dement

Attended the Department of Aging program reviewing the Senior Survey, focusing on health care, housing and crime issues affecting County senior residents.

Stopped by the Farm Life Festival on Sunday. The weather was a problem on Saturday, but hopefully they did well on Sunday.

Apologized for inability to attend the NAACP banquet.

Sent birthday greetings to his two granddaughters, Brooke, 10, and Allie, 7.

Expressed condolences to the family of Durwood Lee Wiley, Ridge.

#### Commissioner Mattingly

Participated in the Chamber of Commerce Golf Tournament. This is always a great event and just one of their many activities.

Sent anniversary greetings to his wife and to his son and daughter-in-law who were also married on October 14.

#### Commissioner Jarboe

Presented a proclamation in honor of the 75th birthday of Francis Steele Holmes, Chaptico.

#### Commissioner Raley

Our condolences go out to the family of A. Joseph Donick, Jr., pastor, St. George Island United Methodist Church and First Friendship United Methodist Church, Ridge. Joe was a former County employee who was instrumental in starting up the SOSAR camps and also served as the Director of the St. Mary's Alliance Against Alcohol and Drug Abuse. Joe did a lot of good work for the citizens of St. Mary's County.

Sent birthday greetings to his brother, Keith Raley.

#### Commissioner President McKay

Attended the NAACP banquet.

"This Week in County Government" program on Channel 95 (nee Channel 12) will be expanded in the future to include community events. Commissioners and community representatives will be featured on the program when events occur in their districts.

#### **WICOMICO SHORES GOLF COURSE ADVISORY BOARD AND DEPARTMENT OF RECREATION, PARKS & COMMUNITY SERVICES: GOLF COURSE CLUBHOUSE PROJECT**

Present: Phil Rollins, Director, Recreation, Parks & Community Services Department;

Merrill "Chico" Rivers, Chairman, Wicomico Shores Golf Course Advisory Board, and board members Philip Cranford, Jim Hodges, Wayne Pettit, Robert Richardson, and Gloria Tippet.

Mr. Rivers reported that the Advisory Board voted to recommend Option B, a renovation with expansion for the clubhouse project. The Board feels it has fulfilled all of its solicitation obligations and is suggesting a Design/Build along with a Letter of Interest to help select a qualified company for this project. This option would expand the square footage under roof on the terrace and relocate the golf shop and food and beverage operation upstairs. The banquet room would remain on this level. The lower level of the existing building would be renovated to accommodate golf carts and storage.

The current available budget is approximately \$1,375,000, with between \$500-600,000 being available in Golf Enterprise funds. The balance would need to be borrowed by the County through exempt financing and would be re-paid to the County by the Golf Enterprise Fund on an annual basis.

**Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize the Wicomico Shores Golf Course Advisory Board and the Department of Recreation, Parks & Community Services to proceed with Option B, a renovation with expansion project, as presented in their report to the commissioners. Motion carried, 5-0.**

**DEPARTMENT OF RECREATION, PARKS & COMMUNITY SERVICES AND LAND USE & GROWTH MANAGEMENT:  
MYRTLE POINT MASTER PLAN**

Present: Phil Rollins, Director, Recreation, Parks & Community Services Department, and

SueVeith, Environmental Planner, Department of Land Use & Growth Management.

Mr. Rollins and Ms. Veith presented additional information and the Recreation and Parks Advisory Board's recommendation on the draft Myrtle Point Park Master Plan to the Board for discussion and direction.

*Discussion included comments on the continued need to provide water access to the Patuxent and importance of ensuring that trails in the park are wide enough to accommodate emergency vehicles.*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to adopt the Draft Myrtle Point Park Master Plan, and direct staff to move forward to fine-tune the plan as discussed. Motion carried, 5-0.**

**DECISION ON PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWERAGE PLAN FOR:  
ELIZABETH HILLS SUBDIVISION, RANIERI RUN SUBDIVISION, TOM HODGES AUTO SALES, TOYOTA OF  
SOUTHERN MARYLAND, AND GRANDVIEW HAVEN PHASE II**

Present: Jeff Jackman, Senior Planner, Department of Land Use & Growth Management

The Board of County Commissioners held separate public hearings on September 20, 2005, to receive public comment on proposed amendments to the Comprehensive Water and Sewerage Plan for: Elizabeth Hills Subdivision, Ranieri Run Subdivision, Tom Hodges Auto Sales, Toyota of Southern Maryland, and Grandview Haven Phase II. Comments received on Grandview Haven, Phase 2 during the 10-day written comment period were included in the staff report.

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign Comprehensive Water and Sewerage Plan Amendment Resolution, Case CWSP #04-120-045, for Elizabeth Hills Subdivision. Motion carried, 5-0.**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign Comprehensive Water and Sewerage Plan Amendment Resolution, Case CSWP #05-120-004, Ranieri Run. Motion carried, 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and sign Comprehensive Water and Sewerage Plan Amendment Resolution, Case CSWP #05-132-016, Tom Hodges Auto Sales. Motion carried, 5-0.**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign Comprehensive Water and Sewerage Plan Amendment Resolution, Case #05-132-011, Toyota of Southern Maryland. Motion carried, 5-0.**

**Commissioner Mattingly moved to approve and sign Comprehensive Water and Sewerage Plan Amendment Resolution, Case #05-120-003, Grandview Haven Phase 2. The motion died for lack of a second.**

**ADJOURNMENT**