

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, October 12, 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)

Kate Mauck transcribed the following meeting minutes:

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.

Commissioner Raley asked staff to look into a bill on page 23 for a service charge. He expressed concern that a service charge may have been billed to the County due to late payment of a bill.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, October 5, 2004. Motion carried.

PROCLAMATIONS

The Board of County Commissioners presented the following Proclamations:

- National Domestic Violence Awareness Month
- Breast Cancer Awareness Month

COUNTY ADMINISTRATOR

1. Draft Agendas for October 19 and October 26, 2004
2. **St. Mary's County Public Schools**

Present: Dan Carney, Chief Financial Officer

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the CIP Budget Amendment to accept surplus funds on two completed projects from St. Mary's County Public Schools. Motion carried.

3. Department of Economic and Community Development

Present: John Savich, Director

- a. **Commissioner Raley moved, seconded by Commissioner Jarboe to approve and authorize the Commissioner President to sign Maryland Community Development Block Grant Agreement to set up and implement a Homeless Management Information System and approve and authorize the Commissioner President to sign Sub-recipient Agreement. Motion carried.**

Commissioners asked to have information submitted to them regarding the source of funding for Three Oaks.

- b. Maryland Community Development Block Grant Program Grant Agreement 2004- Gateways Infrastructure.

No motion was made to approve this item.

4. Department of Aging

Present: Gene Carter, Director
Peggy Maio, Fiscal Supervisor

- a. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Department of Aging Nutrition Services Incentive Program Notification of Grant Award and related budget amendment. Motion carried.**
- b. **Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Department of Aging revised Older Americans Act Title III's and related budget amendment. Motion carried.**

Also Present: Heidi Dudderar, Deputy County Attorney
Tara Klotz, Deputy Director, Human Resources

- c. **Commissioner Dement moved, seconded by Commissioner Mattingly, to 1) Authorize the Department of Aging to fill three grant funded positions**

without benefits while providing those hired with the option to pay 100% of their health cost; and 2) Authorize conversion of the hourly Program Specialist position to a regular part time position with the same benefit provisions. Documents approving these items are not to be signed until sufficient legal review has been provided to the Board of County Commissioners. Motion carried.

Commissioners directed that the County Attorney provide legal review and look into a Baltimore trial case discussed by Commissioner President McKay. A report should be provided to the Commissioners on this topic prior to their signing off on the four grant positions. In addition, proper notice must be provided for in the advertising of these positions.

5. Department of Public Works and Transportation

Present: George Erichsen, Director

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Easement Agreement with V.R. Properties, Inc. for the purpose of reconstructing and maintaining a drainage ditch from Laurel Glen Drive to property owner's line in the Laurel Glen PUD, 8th Election District. Motion carried.

6. Recreation, Parks, and Community Services

Present: Elaine Kramer, Chief Financial Officer

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment to transfer surplus funds from Chaptico Park CIP to FIN05 Capital Reserve Account. Motion carried.

7. Boards, Committees, and Commissions

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and sign letters of appointment for the following Boards, Committees, and Commissions. Motion carried.

	<u>Terms to Expire</u>
<u>Housing Authority Board</u>	
Karen Nail	6/30/2008
<u>Metropolitan Commission</u>	
Captain Zachary Henry – non-voting member	NO TERM

Nursing Center Governance Board

Dr. Susanne Ashton

6/30/2007

Commissioner Dement moved, seconded by Commissioner Raley, for the Board of County Commissioners to meet in Executive Session in order to discuss Litigation and Real Property Acquisition/Disposition as provided for in Article 24, Section 4-210(a)8 and Article 24, Section 4-210(a)11, respectively. Motion carried.

Donna Gebicke transcribed the following meeting minutes:

EXECUTIVE SESSION

Litigation

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
Heidi Dudderer, Assistant County Attorney
Joyce Malone, Real Property Manager
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 10:21 am - 10:50 am.

Action Taken: The Commissioners discussed litigation matter.

Real 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: 10:51 am - 10:54 am.

Action Taken: The Commissioners discussed a real property matter.

Kate Mauck transcribed the following meeting minutes:

SOUTHERN MARYLAND ELECTRIC COOPERATIVE (SMECO) TOUR

The Board of County Commissioners toured the New Emergency Operations Center at SMECO Headquarters in Hughesville. Upon their return to the Commissioners' meeting, Commissioner President McKay turned over a rebate check from SMECO to Ms. Elaine Kramer, Chief Financial Officer. The amount of the rebate check was \$10,799.10.

SUPPLEMENTAL APPROPRIATION HEARING: DEPARTMENT OF PUBLIC SAFETY – LAW ENFORCEMENT TERRORISM PREVENTION GRANT

Present: Elaine Kramer, Chief Financial Officer
Patrick Walsh, Director of Public Safety

The Supplemental Appropriation hearing was conducted for a Department of Public Safety grant award in the amount of \$122,642 for a Law Enforcement Terrorism Prevention Program Grant.

Ms. Kramer announced that all notices, draft documents, and other materials related to the supplemental appropriation would be posted in local public libraries as well as on the bulletin board in the main hall of the Governmental Center. Proper advertisement of the public hearing took place on October 1 and October 8, 2004.

Commissioner President McKay opened the floor for public testimony. As no one was present to speak, the public hearing was closed. The record will remain open for a period of ten days in order to accept written public comment and will then be placed on an upcoming agenda of the Board of County Commissioners.

DEPARTMENTS OF PUBLIC WORKS AND TRANSPORTATION AND ECONOMIC AND COMMUNITY DEVELOPMENT: CHARLOTTE HALL VISITORS CENTER UPDATE

Present: George Erichsen, Director, DPW&T
John Savich, Director, DECD
Carolyn Laray, Tourism Manager
Lydia Kimball, Project Manager, Mahan-Rykiel, Associates, Inc.
Alan Reed, Principal, Grieves, Worrall Wright & O'Hatnick, Inc.

An update was provided on the status of the Charlotte Hall Visitors Center, which is intended to be a regional center and gateway into St. Mary's County. Commissioners were asked to provide input and recommendations to staff on moving forward with the project. The following information was presented and/or discussed:

- Project Team members and specific makeup of the team;
- September 2005 target opening date;
- Qualifications and past projects of consultants;
- Project approach;
- Budget for center - \$437,000;
- Potential site layout, first floor plan, and façade study;
- Goals for Charlotte Hall Visitor Center.

The Board of County Commissioners provided the following direction:

- *Commissioners would like a first class visitor's center and do not want the vision for the center to be too limiting, but due to current budget restraints will need to look at ways to have a project that can expand in the future;*
- *Need to provide connectivity so as to enhance the character of the neighborhood - trails between veteran's home, senior center, and other areas with walkway. Include mineral spring in this planning effort;*
- *Blend in with surrounding neighborhood;*
- *Signage, nice restroom facilities, entranceway, ease of access in and out, and directional signage important;*
- *Parking – provide for at least one or two tour buses or motor homes to park and have easy access;*
- *Vending and/or small store or gift shop;*

- *Provide a variety of ways to impart information to visitors; volunteers may need some training, therefore having an interactive information site would be important;*
- *Supplemental funding sources – staff to continue looking into;*
- *Potential for events at spring may provide potential for revenue; and*
- *Finalize the contract with the team and come back to the Commissioners with a complete timeline for the project.*

Mr. Savich provided information regarding the status of the building, reporting that the County is on the verge of making a final payment to the Department of Juvenile Services, and will soon have full control of the site, with no restrictions. He also reported that the team would include citizen groups, the Chamber of Commerce, and businesses from the northern end of the County.

The Board of County Commissioners adjourned as the St. Mary's Board of County Commissioners and reconvened as the Board of Health.

BOARD OF COUNTY COMMISSIONERS SITTING AS BOARD OF HEALTH

Present: Dr. William Icenhower, Health Officer
 Mary Wood
 Nancy Luginbill
 Daryl Calvano
 Vic Krasnokutsky
 Leslie Payne, Health Department Public Information Officer

Dr. Icenhower presented the following information on the Health Department:

- West Nile virus and SARS have been controlled and have disappeared;
- A number of cases of viral meningitis have occurred and have been controlled;
- One active tuberculosis case with several testing positive and is controlled;
- Two main focuses this year – cardiac/cardiovascular disease and diabetes;
- Working very well with St. Mary's County Public Schools;
- Space is a problem; however, the Department of Public Works and Transportation does an excellent job making repairs and maintaining the facility; and
- Problem with maintaining personnel due to retirement and non-competitive wages.

Ms. Wood provided transportation system update submitting information on the medical assistance and medical transportation efforts being made. Community funding is being sought to provide an appropriate wheelchair-access vehicle.

Ms. Luginbill provided an update on the flu vaccine, women's wellness, resource coordination for the Developmental Disabilities Administrative Program, and State recognition for Deb and Mike Kepferle and Lindsay Nazarek for their efforts with increasing awareness of the meningococcal vaccine.

Mr. Calvano and Mr. Krasnokutsky provided information on Environmental Health. A proposed fee change schedule was presented and discussed in detail.

Commissioners directed the Health Department to provide an annual update on any needed changes to fee schedules during the yearly budget submission process. In addition, Mr. Norris was asked to work with the Health Department to put together a

Resolution adequately addressing the proposed fee changes, and also to outline reasons for the proposed changes. These items should be ready for review in two weeks.

The Board of Health adjourned and reconvened as the Board of County Commissioners.

COMMISSIONERS' TIME

Commissioner Mattingly

Complimented the Parlett family and Christmas in April for the Farm Life Festival event that occurred over the weekend. Also thanked and congratulated all the volunteers involved.

Expressed congratulations to all the fire departments in the County for doing an excellent job educating the public during Fire Prevention Week. The fire department personnel reportedly visited nearly every school in the County.

Commissioner Dement

Reported that he recently visited the new Election Board office space, and the personnel seem to be well satisfied. Commissioner President McKay reported that Commissioners would be touring that facility after the elections are over.

PUBLIC FORUM

Commissioner President McKay opened the monthly public forum for public comment. The following citizens spoke:

Linda Vallandingham – Indian Bridge Road, California – Against school being placed on any site on Indian Bridge Road due to lack of infrastructure, Rural Preservation District, St. Mary's watershed, traffic, noise and pollution, possible halt due to eastern narrow-mouth toad. Presented petitions signed by citizens against school on the road. Also against the proposed Williams Run development. Stated that the Comprehensive Plan is not being followed. Provided written comment for the record.

Robert Jarboe – Pear Hill Road, Leonardtown – Stated that it is time for the Board of Education to come forward and state that there are not adequate public facilities for the potential school site on Indian Bridge Road. Said that there were previously two sites rejected by the Board of Education.

Wanda Norris – Indian Bridge Road, California – Asked Commissioners to tell the public what intentions they have for the Lexington Park Development District.

Chris Perlick – Romanus Drive, Leonardtown – Council Member, St. Mary’s County Justice and Advocacy Council – outlined the purpose of the Catholic-based Council and introduced the next speaker. Provided written comment for the record.

Larry Cooch – Archdiocese of Washington, Hyattsville – Outlined the new presence in St. Mary’s County of the Archdiocesan Legislative Network, and expressed the hope that St. Mary’s County citizens would soon see changes due to the work of the organization.

Mark Millen – Airedele Road, Ridge – Outlined problems he is experiencing on property owned on Blackstone in Hollywood. Would like to have boundary line adjustments in order to build on a certain location on the property. Has met with Mr. Canavan, Mr. Norris, Commissioner Raley, and Commissioner Mattingly regarding the issue.

Commissioners asked Mr. Canavan to look further into the issue and to provide a report to the Commissioners as well as to Mr. Millen and to provide assistance or relief where possible.

Tana Glockner - P.O. Box 907, California – Lives on northbound Route 235 across from First Colony. Outlined problems with rezoning issues in the past. Asked Commissioners to do the right thing and have the RMX zoning changed to Commercial. Pointed out that citizens feel they will be forced to sell to large commercial business owners as a reduced rate. In turn, the businesses will submit and receive rezoning to Commercial status. Unfair to the private homeowners that have been treated poorly and local government is acting like big government.

Donna Buffin – Victorian Drive, California – Against any form of construction or school site occurring or being placed on Indian Bridge Road. Moved here seven years ago and her family loves the wild animals and lack of heavy traffic in that area. Road lies in the RPD and this is being ignored. Outlined problems with traffic, inexperience drivers, single lanes, curve and safety issues at Cecil’s Mill, etc.

As there were no other citizens present to speak, Commissioner President McKay closed the public forum.

Donna Gebicke transcribed the remaining meeting minutes:

PUBLIC MEETING: TO RECEIVE STAFF PRESENTATIONS AND PUBLIC COMMENTS ON THE PROPOSED 2005 LEGISLATIVE PACKAGE

Present: Delegate John Wood

The Board of County Commissioners held a public meeting to receive presentations from the staff and citizens submitting legislative proposals for 2005 and public comment on the proposals.

Presentations and public comments were made by persons as noted on the following proposals:

- 1) Presenter: Denise Barnes, citizen, P.O. Box 200, Great Mills – Impose stricter penalties and revise procedures for persons who violate protective orders.
Sheriff Zylak also provided comment that he had spoken with Ms. Barnes and indicated that his office will always extend every protection it can. Criminal Code 5-202 does require District Court not to release 2nd offenders. His Office receives 15-20 ex parte orders per week. His Office would need to determine what fiscal impact would result from any new legislation.
- 2) Presenter: Lisa Clemence, citizen, 47110 Schwarzkopf Dr., Lexington Park – Prohibit/regulate open fires in St. Mary’s County.
Assistant County Attorney Heidi Dudderar indicated that permitting is a State function. MDE oversees enforcement of permits and the County Health Officer sits as Control Officer for MDE.
Dr. Icenhower, Health Officer, commented that the Health Advisory Committee has discussed this issue and determined that the County is getting to the point where we are going to have to limit burning. This issue needs to be investigated further.
Commissioner McKay asked Dr. Icenhower to work with Ms. Clemence to include more specifics in her proposal. Dr. Icenhower stated that the Health Advisory Committee will meet and make recommendations to the Board.
Robert Jarboe, citizen, Leonardtown - commented that while he agreed with Ms. Clemence, keep in mind that the agricultural community needs to do controlled burnings.
- 3) Presenter: Roy Fedders, citizen, Dameron, MD – Prohibit smoking in indoor public establishments in St. Mary’s County.
- 4) This item was withdrawn by the submitter.
- 5) Board of Education, Presenters: Cathy Allen, Board of Ed Chair; and Mary Washington, member
Board of Education -
 - a) Increase the annual salary of the Chairman of the Board of Education from \$4,300 to \$7,000 and the annual salaries of the members from \$4,000 to \$6,000; and
 - b) Require the St. Mary’s County Compensation Review Commission to review the salaries of the Board Chairman and members and make recommendations to the County Commissioners in accordance with the provisions set forth in §23-5 of Article 19 of the Public Local Laws of Maryland.
- 6) Office of the Sheriff, Presenter: Sheriff David Zylak - Amend St. Mary’s County bingo statute to:
 - a) Remove the term “gaming professionals”; and
 - b) Allow volunteer fire departments to use non-member volunteers to assist in the bingo at their annual carnivals; and
 - c) Allow qualified organizations to compensate a “bingo caller” and a cash register operator for a bingo; and
 - d) Allow qualified educational organizations to provide tuition reduction in exchange for volunteer assistance in operating a bingo; and

- e) Limit the number of days in a week or total consecutive days during which an organization may operate a bingo.
Bill Mattingly, citizen, 24699 Morgan Rd., Hollywood, MD – commented on behalf of the Hollywood Volunteer Fire Department in opposition to the Sheriff's proposed legislation.
- 7) Metropolitan Commission, Presenter: Jacquelyn Raley Meiser, MetCom Legal Counsel– Revise provisions relating to treasurer's bond to conform to bond language required under Maryland law.
**Section 113-1(e) of Article 19 of the Public Local Laws of Maryland*
- 8) St. Mary's Soil Conservation District, Presenter: Bruce Young, District Manager – Require conformity with State sediment control requirements by single family residential construction on lots of 2 or more acres when the construction will disturb less than one-half acre.
**This type of construction is currently exempted from conformity (except in Calvert County).*
- 9) Office on Aging, Presenter: Gene Carter, Director - Property tax credit for individuals over age 70. *Legislation was introduced in 2004, but was given an unfavorable reporting in the Senate.*
- 10) This item was withdrawn by the Board of County Commissioners on 9/28/04.
- 11) Department of Recreation, Parks, and Community Services, Presenter: Phil Rollins, Director – Request State bond funding for three capital projects:
 a) \$100,000 for Piney Point Lighthouse Museum; and
 b) \$250,000 - \$500,000 for Three Notch Trail; and
 c) \$250,000 - \$500,000 for Charlotte Hall Community Recreation Center.
- 12) Finance Department, Presenter: Elaine Kramer, CFO – Extend the deadline, from November 1, to January 1, for counties with populations of 400,000 or less to provide financial reports to the State.
**Counties with populations greater than 400,000 currently are not required to report until January 1.*
- 13) Finance Department, Presenter: Elaine Kramer, CFO – Authorize the County to issue \$20,000,000 in public facilities bonds.
- 14) Department of Economic and Community Development, Presenter: Donna Sasscer, Agriculture Manager – Increase County bonding authority to enable the County to enter into land installment contracts for agricultural preservation purposes.
- 15) Department of Economic and Community Development, Presenter: Donna Sasscer –
 a) Exempt farm markets and on-farm food processing/preparation operations from certain State food services regulations relating to commercial kitchen equipment; and
 b) Alter the term of a “temporary food service facility” license from 14 days to 4 months.
- 16) County Attorney's Office, Presenter: Heidi Dudderar, Asst. Co. Attorney – Clarify the enabling authority for certain regulatory fees

It was announced that the Commissioners will take positions on the legislative proposals at their October 19th meeting, and a joint public meeting with the Delegates will be held on October 26, 2004, at 6:30 pm.

As there was no further public comment, the meeting was adjourned at 8:53 pm.

Minutes Approved by the Board of County Commissioners on _____

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