

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, October 19, 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
Kate Mauck, Senior Administrative Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:12 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Dement moved, seconded by Commissioner Raley, 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, October 12, 2004. Motion carried.

CHARACTER EDUCATION SCHOOL OF THE YEAR

The Board of County Commissioners recognized Dynard Elementary School as the recipient of the "Character Education School of the Year".

COUNTY ADMINISTRATOR

1. Draft Agendas for October 26 and November 9, 2004
2. Department of Economic and Community Development – Housing Authority

Present: John Savich, Director, Department of Economic and Community Development
Dennis Nicholson, Executive Director, Housing
Tonja Fraser-Jenkins, Program Manager, Housing
Douglas Samuel, Chair, Housing Authority Board
Jane Loughran, Vice Chair, Housing Authority Board
Joan Gelrud, Housing Authority Board

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Maryland Community Development Block Grant Program Grant Agreement 2004 - Gateways Infrastructure. Commissioner President McKay abstained from the vote; all others voted in favor. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Assignment Agreement. Commissioner President McKay abstained from the vote; all others voted in favor. Motion carried.

3. Department of Recreation, Parks, and Community Services

Present: Phil Rollins, Director

a. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment to decrease \$78,583 in State grant revenues and expenses for the Wicomico Shores Pier Replacement (Hurricane Isabel) project #PL0501 and increase the FIN05 Capital Reserve accounts by \$78,583. Motion carried.

Also Present: Bill Ball, Parks Supervisor
Marie Urbanski, Fiscal Specialist

b. Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Waterway Improvement Fund Applications/Project Agreements. Motion carried.

Commissioner Mattingly asked the Department of Recreation, Parks, and Community Services to follow up with the Director of Public Works and Transportation and officials at the State Waterway Improvement Program to ensure project funding requests from each department to the State are in concert with one another and not in conflict.

Due to an obstruction in St. Jerome's Creek not having been removed as yet by the State, Commissioners asked staff to look into aids to navigation.

DECISION: DISPOSITION OF THE RODO BEACH ROAD TAXING DISTRICT

Present: George Erichsen, Director, Department of Public Works and Transportation

Mr. Erichsen appeared before the Board of County Commissioners in order to present the Rodo Beach Road Taxing District item for final discussion and a decision. A public hearing was conducted on the matter on September 28, 2004. Petitions from property owners were presented to the Commissioners either in favor of or asking for rescission of the taxing district. Mr. Erichsen reported that 71% of the property owners in Rodo Beach are in favor of rescinding the taxing district, and 6% are non-respondents. Several meetings have been held outlining the cost of keeping the taxing district. Should the Board of County Commissioners vote to rescind the taxing district, staff will prepare a resolution for their signature under Consent Agenda next week.

Commissioner Dement moved, seconded by Commissioner Raley, to direct staff to prepare the necessary Resolution to rescind the Rodo Beach Taxing District. Commissioner Jarboe abstained from the vote; all others voted in favor. Motion carried.

Commissioners directed staff to continue to work closely with the community living on Chesapeake Bay in order to explore the issue of creating their own taxing district. In addition, staff should continue to provide support to property owners on other roads in the district that are looking into creating a community road agreement.

SPECIAL REPORT

Commissioner President McKay reported that Leonardtown Middle School would be closing at 11:00 a.m. due to a power outage. All the evening school activities scheduled at Leonardtown Middle School would be cancelled as well.

BOCC TAKES POSITIONS ON 2005 LEGISLATIVE PROPOSALS

Present: Heidi Dudderar, Deputy County Attorney

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

Proposal # Proposal Description
& Submitter Support No
Support No
Position Comments

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Impose stricter penalties and revise procedures for persons who violate protective orders.

(Denise Barnes, citizen)

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Jarboe
Mattingly
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Suggest this become a state-wide
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Prefer uniformity from state to state.

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This item was withdrawn
by submitter 9/27/04

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(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.

(Board of Education)

Dement
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Pending review by St. Mary's
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County Compensation Review Commission is not currently mandated to review the salaries of Board of Education members, but will be directed to do so for their December 1, 2004 report. Item 5(b) is designed to ensure that the St. Mary's Compensation Review Commission will be required to review the salaries of the members of the Board of Education in 2008 and every four years thereafter.

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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
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(Office of the Sheriff)

Mattingly

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Raley

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State's Attorney's Office should support any changes made to the statute (items a-e).

*Commissioner Mattingly supported this proposal with an amendment that would include the words "in a one week period which commences on Sunday and concludes on Saturday" after "3 consecutive days" in item (2)

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Revise provisions relating to treasurer's bond to conform to bond language required by MD Insurance Commissioner. Section 113-1 (E) of Article 19 of the Public Local Laws of Maryland

(MetCom)

Dement
Jarboe
Mattingly
McKay

Raley

The BOCC amended the proposal to include the following language after "Insurance Commissioner of the State of Maryland":
"and approved by the County Attorney"

8

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).

(St. Mary's Soil Conservation District)

Dement
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Would like to see complete review of sediment/erosion control and stormwater management regulations and also a comprehensive approach.

9 Property tax credit for individuals over age 70.

*Legislation was introduced in 2004, but was given an unfavorable reporting in the Senate.

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McKay Mattingly

Raley Commissioner Mattingly indicated that he supports the concept of property tax relief for seniors, but he does not support SMC Ordinance 04-03 which would take effect if the State provides enabling authority.

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(b) \$250,000 - \$500,000 for
Three Notch Trail; and

©\$ (c) \$250,000 - \$500,000 for
Charlotte Hall Community
Recreation Center.

(Department of Recreation, Parks and Community Services)

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Support at \$250,000

Support at \$250,000

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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.

(Finance Department)

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The BOCC requests that an individual St. Mary's County Delegate or Delegates introduce this legislation, as the House committee that considered this bill last year indicated that it has statewide implications and, therefore, should not be introduced by a single county delegation.

The County will also seek the support of the Maryland Association of Counties.

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Authorize the County to issue \$20,000,000 in public facilities bonds.

(Finance Department)

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The amount of this authorization has been certified as falling within the County's affordability limits.

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Increase County bonding authority to enable the County to enter into land installment contracts for agricultural preservation purposes.

(Dept. of Economic and Community Dev.)

Dement
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15

(a) Exempt farm markets and on-site 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.

(DECD)

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Suggest separate category for agriculturally related businesses to apply for food service license up to four months or after harvesting. State Health Department to look into other details.

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Clarify the enabling authority for certain regulatory fees.

(County Attorney's Office)

Dement

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17 Allow a Class 4 winery to import up to 12,000 gallons of wine from any other winery inside or outside the state of Maryland. VOTE PENDING

18 Request State bond funding for two capital projects:

(a) Stabilization measures for Patuxent Beach Road.

(b) To establish a grain export facility in Southern Maryland. VOTE PENDING

In addition to the proposals outlined above, Commissioners directed the following:

- Item #15 – County Attorney's Office to check further to clarify whether or not Health Department fees may already be set forth by statute.
- Item #17 – Subject of Class 4 winery change of importation allowance to be placed on Commissioners' agenda as the first order of business.
- Item #18(b) – Donna Sasscer and Department of Economic and Community Development to present information a grain export facility in Southern Maryland to Commissioners next Tuesday morning.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT & HOUSING TRUST OF AMERICA (HTA): UPDATE ON PROGRESS OF RIVER BAY TOWNHOMES & PRESENTATION OF HTA PROPOSAL TO PURCHASE & RENOVATE FOX CHASE VILLAGE APARTMENTS

Present: John Savich, Director, Department of Economic and Community Development
Dennis Nicholson, Executive Director, Housing
Wally Scruggs, Housing Trust of America
John Norris, III, County Attorney

The Board of County Commissioners received an update on the progress of River Bay Townhomes and also a presentation of Housing Trust of America's (HTA) proposal to purchase and renovate Foxchase Village Apartments in order to maintain workforce housing. The following information was presented:

River Bay Townhomes:

- 173 units; 155 affordable
- Rent fees;
- Initial occupancy – September, 2004;
- Current occupancy – 36 families;
- Projected completion – January, 2005;
- No financial assistance requested; and
- Grand opening and ribbon cutting celebration – November 9th at 11:00 a.m.

Foxchase Village Apartments:

- Preservation of 134 units of existing affordable housing;
- Development plan to rehabilitate and renovate the project – outlined in detail;
- Rents to increase by 6.5% post renovation;
- Overall objective is to preserve the project as affordable without displacing any of the existing residents;
- Requested the following – 1) Support and endorsement for the utilization of tax exempt bond financing from the Maryland Community Development Administration, and 2) Authorization and approval for St. Mary's County to grant a payment in lieu of taxes (PILOT).
- Overview of proposed PILOT detailed and discussed; and
- Benefits to St. Mary's County outlined.

Commissioners asked HTA to look at a different rate – to scale – for the second half of the 30-year program.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign a Resolution of support for the State Department of Housing and Community Development bond financing program for this project and to direct staff to finalize a Payment in Lieu of Tax Program with Housing Trust of America. Motion carried.

GMP CABLE: CABLE FRANCHISE AGREEMENT TRANSFER

Present: John Norris, III, County Attorney
 Joseph Gans, III, Gans Communications, L.P.
 Terrence Herron, Harron Entertainment Company, LLC
 James Brudger, Jr., Harron Entertainment Company, LLC
 Catherine Oakes, Harron Entertainment Company, LLC
 Joel Cohen, Harron Entertainment Company, LLC
 William Caplins, Cable Advisory Committee
 Bob Kelly, Director, IT Department

Information was presented in order to request approval for the transfer of control of Gans Communications, L.P. and its sole general partner, Gans Communications, LLC, to Harron Entertainment Company, LLC and/or its affiliates. This will result from the acquisition by HEC and/or its affiliates of Nautic Partners' ownership interests in GCLP and GCLLC, and the ownership interest of Mr. Gans' affiliated entity in GCLLC, and a majority of the ownership interest of Mr. Gans' affiliated entity in GCLP.

Discussion took place regarding the improvements that citizens should expect to see due to the transfer. It was reported that the Cable Advisory Committee was in full support of this transfer. Mr. Norris reported that he would provide a final Resolution to the Commissioners for signature.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the transfer of control of GCLP and GCLLC to HEC and/or its affiliates for Nautic Partners' and Mr. Gans'

affiliate entity as described in FCC Form 394 filed with the County on August 25, 2004. Motion carried.

The Board of County Commissioners departed the building in order to attend the following functions:

- St. Mary's Hospital Awards Luncheon
- St. Inigoes Public Landing Ribbon Cutting Ceremony
- Ridge Volunteer Fire Department Boathouse Groundbreaking Ceremony

ADJOURNMENT

The meeting adjourned at 2:30 p.m.

Minutes Approved by the Board of County Commissioners on _____

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(Denise Barnes, citizen)

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(Board of Education)

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(Office of the Sheriff)

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Terrence Herron, Harron Entertainment Company, LLC
James Brudger, Jr., Harron Entertainment Company, LLC
Catherine Oakes, Harron Entertainment Company, LLC
Joel Cohen, Harron Entertainment Company, LLC
William Caplins, Cable Advisory Committee
Bob Kelly, Director, IT Department

Information was presented in order to request approval for the transfer of control of Gans Communications, L.P. and its sole general partner, Gans Communications, LLC, to Harron Entertainment Company, LLC and/or its affiliates. This will result from the acquisition by HEC and/or its affiliates of Nautic Partners' ownership interests in GCLP and GCLLC, and the ownership interest of Mr. Gans' affiliated entity in GCLLC, and a majority of the ownership interest of Mr. Gans' affiliated entity in GCLP.

Discussion took place regarding the improvements that citizens should expect to see due to the transfer. It was reported that the Cable Advisory Committee was in full support of this transfer. Mr. Norris reported that he would provide a final Resolution to the Commissioners for signature.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the transfer of control of GCLP and GCLLC to HEC and/or its affiliates for Nautic Partners' and Mr. Gans' affiliate entity as described in FCC Form 394 filed with the County on August 25, 2004. Motion carried.

The Board of County Commissioners departed the building in order to attend the following functions:

- St. Mary's Hospital Awards Luncheon
- St. Inigoes Public Landing Ribbon Cutting Ceremony
- Ridge Volunteer Fire Department Boathouse Groundbreaking Ceremony

ADJOURNMENT

The meeting adjourned at 2:30 p.m.

Minutes Approved by the Board of County Commissioners on _____

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

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