

ST. MARY'S COUNTY

BOARD OF COUNTY COMMISSIONERS' MEETING

GOVERNMENTAL CENTER

Tuesday, November 18, 2003

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)

CALL TO ORDER

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

APPROVAL OF CHECK REGISTER

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Dement, seconded by Commissioner Jarboe, to approve the minutes of the Commissioner's meeting of Tuesday, November 4, 2003, as amended. Motion carried.

WELCOME NEW VISTA VOLUNTEER

Office of Community Services Director Cynthia Brown introduced new AmeriCorps and VISTA volunteer Patrice Wedderburn to the Board of County Commissioners.

COMMENDATIONS

The Commissioners presented commendations to the members of Girl Scout Troop 2169 for their volunteer efforts to raise money for the victims of Hurricane Isabel and also recognized the AmeriCorps National Community Conservation Corps and United Methodist volunteers for their assistance in disaster clean-up.

PROCLAMATIONS

Information Director Bob Kelly and GIS Supervisor Jeff Edgin received a proclamation declaring November 19 as National Geographic Information System Day and November 16-22 as Geography Awareness Week in St. Mary's County. George Erichsen received a proclamation declaring November 17-21 as America Recycles Week.

COUNTY ADMINISTRATOR

1. Draft Agenda: December 2, 2003
2. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the fee structure for producing GIS information and the Agreement as presented, and to authorize IT Director to sign the Agreement with users/customers. Motion carried.**
3. **Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign Title III Notification of Grant Award for Administration of Older Americans Act. Motion carried.**

4. a. **Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the Right-of-Entry Agreement for subsurface testing and monitoring on property adjacent to St. Andrews Landfill on property owned by DNR. Motion carried.**

The Commissioners agreed to direct staff to put the governmental sign project out to bid and to change "enjoy your visit" to "Welcome."

- b. **Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize staff to proceed with the new Governmental Center sign plan as submitted, to include smaller directional signs, and to expend no more than \$15,000. Motion carried.**
- c. **Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President to sign DNR Waterway Improvement Fund Application for FY05 lease and local contribution to DMP site construction for St. Jerome Creek and Southern Prong dredging projects. Motion carried.**

Director, DPW&T will draft a letter to the Delegation, Senator Mikulski, Corps of Engineers and DNR stressing the importance of this project and requesting their assistance in moving it forward.

5. a. **Commissioner Jarboe moved, seconded by Commissioner Dement to approve and authorize Commissioner President to sign Temporary Easement Agreements for road improvements related to widening Route 234 for acceleration/deceleration lanes near Chaptico Park entrance. Motion carried.**
 - b. **Commissioner Raley moved, seconded by Commissioner Jarboe to approve and authorize Commissioner President to sign Program Open Space Development Application and Project Agreement for Nicolet Park. Motion carried.**

6. **Commissioner Dement moved, seconded by Commissioner Raley, to approve request to advertise a Public Hearing for 3 funding applications for the Lexington Manor Redevelopment process: (1)CDBG funding (\$5.4m state request for federal funding for south parcel); (2) MEDAAF funding requests: \$2.5m for acquisition and \$700,000 for demolition for north parcel-state funding). Motion carried.**
7. **Commissioner Dement moved, seconded by Commissioner Mattingly to authorize scheduling of Public Hearing regarding Sheriff's Office Retirement Plan Board proposed second amendment to the Retirement Plan Document. Commissioner Jarboe voted no. Motion carried 4-1.**
8. **Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign Intergovernmental Agreement with the Maryland Dept. of Human Resources for the provision of services to victims of crime. Motion carried.**
9. **Commissioner Dement moved, seconded by Commissioner Jarboe, to appoint Jennie Page to the SMC Mental Health Authority. Motion carried.**

MACO LEGISLATIVE COMMITTEE

Commissioner Dement moved, seconded by Commissioner Jarboe to appoint Commissioner President McKay as the 2004 nominee to the MACO Legislative Committee and Commissioner Mattingly as alternate. Motion carried.

WORKFORCE HOUSING

John Savich, Department of Economic and Community Development Director, presented a review of housing policy options drawn from the May 2003 Danter Study, the conclusions and recommendations of the Housing Forum and the League of Women Voters, the proposal from Patuxent Habitat for Humanity, and past county-appointed task forces and their reports. The presentation included a review of housing needs, a proposed policy statement, five-year targets, potential development and county tools to achieve lower housing costs. The proposed policy statement follows:

1. To encourage the development of affordable housing that meets documented needs, the Board of County Commissioners for St. Mary's County will establish five-year targets for development of workforce housing.
2. The County will develop incentives for construction of workforce housing that meets current demand, anticipates future growth and balances the following objectives:
 - Maintain fiscal responsibility and the ability to fund needed infrastructure
 - Promote residential diversity
 - Reduce development costs to enable affordable rental and purchase costs
 - Leverage state and federal funding as much as possible

The following housing targets were proposed:

- 50 homes/year under \$150,000
- 50 homes/year from \$150,000-\$175,000
- Homeownership assistance to 50 families
- 70 units/year of workforce rental housing (14/year of these for senior housing)
- Diversity by sub-county region

The Commissioners directed staff to move ahead with the proposed policy statement and targets, but requested additional information on the potential tools to reduce housing costs, i.e., how much of a contribution they would make toward achieving the housing policy goals.

BUILDING AUTHORITY COMMISSION' S RESOLUTION RE SALE OF REFUNDING BONDS

Present: Elaine Kramer, Finance Director

James Cumbie, Venable, Bond Counsel

Don Lewis, St. Mary's County Nursing Center Administrator

Ms. Kramer presented the Commissioners with a resolution to approve and adopt the Building Authority Commission's resolution regarding the sale of refunding bonds for the St. Mary's County Nursing Center project. The refunding is expected to yield savings in excess of \$700,000 in debt service payments over the remaining term of the bonds. The savings accrue to the benefit of the Nursing Center, since under the terms of the lease agreement, the amount that the Nursing Center pays as "rent" is equal to the debt service requirements. The Building Authority met previously to discuss the refunding, a meeting was held with the Nursing Center Administrator, and the Nursing Center Board approved the refunding and the allocation of the savings over the term of the bonds.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and sign the Resolution approving the Building Authority Commission's decision and resolution authorizing the issuance and sale of not to exceed \$7,000,000,000 to refund the St. Mary's County Nursing Home Project. Motion carried.

SOUTHERN MARYLAND CHILDCARE RESOUCCE CENTER

Present: Becky Stevens, Executive Director

The Commissioners were provided with a copy of the Southern Maryland Childcare Resource Center's Annual Report. Ms. Stevens announced that the Center was awarded a Fiscal Year 2003 discretionary grant from the U.S. Department of Health and Human Services for the Southern Maryland Early Literacy Project. The \$540,165 grant will fund early literacy services in Calvert, Charles and St. Mary's counties over the next 17 months. The Early Literacy Project will provide books, literacy materials, and training to parents and caregivers of children birth to age five with

the goal of increasing the abilities of these caregivers to incorporate early learning activities into the daily lives of young children, to promote learning readiness, and to provide an environment rich in books and educational activities, thus ultimately improving the school readiness of their children.

SENIOR PROPERTY TAX RELIEF PRESENTATION

Present: Gene Carter, Director, Office on Aging

Jeannett Cudmore, Deputy Finance Director

Highlights of Mr. Carter's presentation on past efforts, where the County stands today, and recommendations on senior property tax relief follow:

- Largely in response to a petition initiated by the membership of the local chapters of NARFE and AARP in 2000, the County Commissioners directed county staff to look into the legality and feasibility of enacting property tax relief for senior citizens.
- Subsequent to the request of the County Commissioners, a citizen advisory committee was formed to examine strategies for property tax relief for senior citizens and make recommendations to the County Commissioners for the enactment of such a program.
- Public members of the Advisory Committee recommended the enactment of an age-based tax cap that was tied to the eligibility age for full retirement under Social Security and would thus increase over the years. The legitimizing basis for the tax cap would be a "retiree-friendly economic development initiative" on the part of county government.
- One of the scenarios presented to the County Commissioners was the capping of property taxes at age 70, the strategy that Commissioner President Thomas McKay, requested be examined.
- Under this approach the Advisory Committee calculated that 4,656 homes would fall under the cap, resulting in a ten-year revenue loss of \$3,830 per home, or some \$1.2 million per year.
- Over a 15-year period, total revenue loss would be about \$17.8 million, or a reduction of 1.6% in property tax revenues over this period.
- In Fiscal Year 2003, the County Commissioners enacted a senior tax credit for persons aged 70 and above who qualified for the State Homeowner's Credit. Senior tax credits under the program totaled \$71,300 for Fiscal Year 2003 and \$68,600 for Fiscal Year 2004 as of November 12, 2004.

The Commissioners directed staff to move the plan forward and to return to the Board with an implementation plan, a more clearly defined, financial impact analysis based on 65 and 70 age limits, and a proposed schedule to have the property tax relief plan in place by the next tax year.

2004 LEGISLATIVE PROPOSALS

The Commissioners' took positions on the 2004 Legislative Proposals as indicated below.

1. Impact Fees

a. Defer or Waive Impact Fees for Affordable Housing

Commissioners McKay, Dement, Jarboe, Mattingly and Raley supported this proposal.

b. Provide for Exemption from Payment of Homestead-Based Taxes

Commissioners McKay, Dement and Jarboe supported this proposal. Commissioners Raley and Mattingly did not support.

- c. Expand local authority to allocate portion of proceeds of economic impact fee imposed on new residential construction to solid waste management.

Commissioners McKay, Dement, Jarboe, Mattingly and Raley supported this proposal.

1. Extend Sunset Date on the Imposition of Transfer Taxes in order to plan for the capital needs of the County.

Commissioners McKay, Dement, Jarboe, Mattingly and Raley supported this proposal.

2. Revise the current Fire Tax to allow the Volunteer Rescue Squads and Advanced Life Support Unit to impose such a tax, and also to provide that the tax includes covering certain expenditures that had previously been identified as being funded by the County property tax.

Commissioners McKay, Dement, Mattingly and Raley supported this proposal. Commissioner Jarboe did not support.

3. Clarify the responsibility of sidewalk maintenance by assigning levels of responsibility within road right-of-ways.

Commissioners McKay, Dement, Mattingly and Jarboe supported this proposal. Commissioner Raley did not support.

5. Proposed by Office of Sheriff
 - a. Proposal 1: Demarcate the appointment of deputies, grants law enforcement and correctional officers the ability to bargain collectively with the Sheriff; outlines the duties and responsibilities of the Sheriff and Office of the Sheriff.

Proposal 2: Demarcate the appointment of deputies, outlines the duties and responsibilities of the Sheriff and Office of the Sheriff.

The Commissioners did not take positions on 5a. Positions will be postponed until the Commissioners have had an opportunity to review new draft language for the proposal.

- b. Establish a Gaming Permit Review Board for SMC that will clearly define the Authority of the Board of County Commissioners for gaming events, including Bingo.

Commissioners McKay, Dement, Jarboe, Mattingly and Raley did not support this proposal.

- c. Establish authorized programs such as Home Detention and Work Release.

Commissioners McKay, Dement, Jarboe, Mattingly and Raley supported this proposal.

6. Proposed by St. Mary's Metropolitan Commission

- a. Enable MetCom employees to join the Maryland State Employees Pension System, to receive credit for 50% of their prior service, and to define those employees eligible for participation.

Commissioners McKay, Dement, Jarboe, Mattingly and Raley supported this proposal.

- b. Designate the Commanding Officer of the Patuxent River Naval Air Test Center or his designee as a non-voting member of the Metropolitan Commission

Commissioners McKay, Dement, Jarboe, Mattingly and Raley supported this proposal.

7. Proposed by Clare Whitbeck, citizen

Make changes in the St. Mary's County Open Meetings Law: require any organization receiving public funds to be held to the same meetings standards of openness as County government; repeat open meetings language from Section 4-201(a) in 4-203(a); delete section that exempts staff meetings from being noticed; require that employees be notified in writing prior to his/her contract being discussed so that employee can request an open session for discussion if so desired.

Commissioners McKay, Dement, Mattingly and Raley did not support this proposal. Commissioner Jarboe abstained.

8. Proposed by Robert T. Brown, Watermen's Association

To provide dedicated funding source for Watermen's Association Oyster Repletion Program

Commissioners McKay, Dement, Mattingly and Raley did not support this proposal. Commissioner Jarboe abstained.

9. Proposed by the Alcoholic Beverage Board
 - a. Increase maximum fine to \$1,000

Commissioner Jarboe supported this proposal. Commissioners McKay and Dement declared no position. Commissioner Mattingly did not support and Commissioner Raley abstained.

- b. Affirm wine festival license shall be issued to sponsor of festival, not wineries

Commissioners McKay, Dement, Jarboe, Mattingly and supported this proposal.

8. To provide that all counties have the same reporting deadline for financial reports, by the first day of January after the close of fiscal year

Commissioners McKay, Dement, Jarboe, Mattingly and Raley supported this proposal.

9. To provide for disposition (donation) of property no longer needed for a public purpose to a nonprofit by resolution

Commissioners McKay, Dement, Jarboe, Mattingly and Raley supported this proposal.

COMMISSIONERS' TIME

Commissioner Jarboe

- A response is needed to the letter from Paul Colonna, President, Mechanicsville Volunteer Fire Department, requesting land at Chaptico Park for a substation. *This item will be put on BOCC agenda for discussion at the next meeting.*
- Have received many comments from citizens regarding Land Use and Growth Management issues. Request that the next public forum focus on LUGM issues.

Commissioner Raley

- Congratulations to the Town of Leonardtown on their wonderful Veteran's Day parade and also to the good folks in Helen who also celebrated their 100th anniversary.
- Congratulations to the Bay District Volunteer Fire Department on their 60th annual installation of officers ceremony. Les Hansen celebrated 50 years of service to the Department.

- Attended Mechanicsville Blood Drive put on by Red Cross. The National Red Cross was on hand as part of their "Save a Life Tour." Encourage all who can to give blood.

- Attended 1st District Isabel Affected Areas Community Meeting at the American Legion Hall in Ridge.

Commissioner Dement

- All BOCC attended ribbon cutting for Great Mills pool.
- Congratulations to Ms. Viola Gardner who celebrated her 90th birthday and to Carl and Mary Hall on their 50th anniversary.
- Attended Veteran's Day parades.
- Happy Birthday to grandson Dillon and happy birthday and anniversary to my wife Shirley.
- Attended NAACP Annual Banquet at Chancellors Run Recreation Center, Bay District Installation and First District Community Forum with Commissioner Raley.
- 2003 Maryland State Police "St. Mary's Splash" will take place at Point Lookout State Park on December 6.

Commissioner Mattingly

- Attended critique of Hurricane response and recovery at Emergency Operations Center. There was good participation from all agencies involved in post Hurricane activities.
- Attended Maryland's Most Beautiful People" volunteer awards ceremony in Annapolis which recognized Leonardtown Volunteer Fire Department.
- Attended model congress at Leonardtown Middle School.
- Residents of Old Breton Beach appreciate the efforts of AmeriCorps and all volunteers who have assisted them.
- Will attend Southern Maryland Volunteer Firemen's Association Legislative Meeting at Mechanicsville Fire Department on Wednesday.
- Banneker Elementary PTA will hold Basket Bingo will Thursday evening
- Town of Leonardtown's Christmas on the Square and Annual Tree Lighting will be on November 28.

Commissioner McKay

- Dedication ceremony for the new classroom building at the Leonardtown campus of the College of Southern Maryland will be this Thursday at 1:30 p.m.
- St. Mary's Hospital Gala will take place this Friday evening at the Hollywood Social Hall. Good luck to those fine folks.
- There will be a public forum this evening at the Hollywood Fire Department.
- Due to the Thanksgiving holiday, there will be no Board of County Commissioners' meeting on November 25 and County offices will be closed November 27 and 28. Next Board of County Commissioners Meeting will be December 2. There will be Budget and Water and Sewer Plan Work Sessions on December 1.
- Wicomico Shores Golf Course will host the Third Annual Thanksgiving Day charity golf event on Thursday, November 27th. Golf Course will donate their time to open the course on Thanksgiving Day and will waive greens and cart fees for patrons who contribute various non-perishable food and household items for charity. This year's donations will be provided to the Catholic Charities St. Clement's Family Center's food bank.

- The public is invited to learn about and explore geographic information systems through demonstrations and hands-on interactive training in Room 14 on November 19, "National GIS Day."
- Piney Point Lighthouse museum grounds have re-opened.

Commissioner Dement moved, seconded by Commissioner Jarboe to adjourn the meeting. Motion carried.

PUBLIC MEETING – Hollywood Volunteer Fire Department

The Commissioners presented a proclamation declaring November as National Adoption Month and recognized Adoptive Parents of the Year Richard and Maxine Hynson.

The following public comments were received:

Pat Myers, President of the Northern Senior Center Council, 37440 Asher Road, Mechanicsville

Would like to get latest info on Northern Senior Center construction. What's being done to resolve traffic issues on Charlotte Hall Road?

Charles Miedzinski, Hollywood

Disappointed that BOCC chose not to support legislative proposal presented by the Sheriff regarding gaming. We hold bingo every Wednesday to raise needed funds for the Fire Department. The proposed legislation would put every organization on a level playing field, so we would be equally capable of raising money. Currently some organizations are receiving money from bingo games without working the event. Ours is run strictly by volunteers with no assistance from gaming professionals like some organizations. Without the assistance of someone who does this for a living, we are at a disadvantage. Organizations should run bingo instead of gaming professionals. Our bingo is fading away due to competition from a bingo professional and not an organization.

James Lynch, 40275 Beach Road, Golden Beach

Respond to article in the paper, implied we are anti-veteran, not true, way off base. We are veterans. Many of the seniors here have volunteered at the Veterans Home. We are in favor of being neighbors.

Anna Long, 24580 Lewis Lane, Clements

5 sisters and 2 brothers own joint piece of family property. Our intent is to keep the property in the family and give our children lots to build. Under the current rules, we will not be able to give all of our children lots, we will end up having to buy each other out. This is our children's heritage. Are there any exceptions to considerations that can be given to the 5-acre rule?

Ms. Long was asked to talk with Denis Canavan, Director, LUGM.

Sheriff David Zylak, Leonardtown

During my campaign, I talked about the need to improve the Office of the Sheriff's relationship with the BOCC. Confident we have improved our relationship. Would like to set the record straight. During the BOCC meeting earlier today, Commissioner Raley said that the Sheriff's proposal changed on a weekly basis. This is not true. I did respond to written comment from Mr. Sussman. The proposal was revised yesterday by the County Attorney. Commend Commissioner Mattingly for requesting time to review the new draft. I just received a copy yesterday. Regarding the legislative proposal on gaming: the Archdiocese is not complying with the law. The proposal language may need refining, but there IS a problem. The gaming function belongs with the County, not the Sheriff. We must work together to do what's right. This issue is no place for politics – do what's right for the County.

Harold Thompson, 24740 Sotterly Road, Hollywood

Intersection of St. John's Road and 234 is a big safety issue, particularly for school buses trying to get across the highway. Something is needed to slow the traffic down. Who should we ask to do something about this?

Mr. Thompson was told that the BOCC will ask staff to send letter to SHA asking them to do a traffic survey/study of this area.

Donald Gatton, Chief, Hollywood Fire Department

Speaking on behalf of the FD, we have a problem with the new radio system. Scans are garbled and unreadable. Pagers have bad reception. We made our concerns know to the Fire Board and to Mr. Cooper. Mr. Cooper replied to our letter saying that nothing could be done. We want the system to work. Also met with Commissioner President McKay to let him know about these issues. Mr. Cooper is coming to the Fire Board meeting on Thursday and he is expected to address the problems.

Kathleen Guy, Mechanicsville

Will roads have to be upgraded, overlaid and taken over by the County when there are 5 lots or 10?

Doug Insley, Sotterly Road, Hollywood

There are critical issues with the CAD (computer aided dispatch) system that need to be looked at.

James Lynch

Compliments to whomever thought of opening up dumping sites for Hurricane Isabel debris.

John Kilroy

Handed the Commissioners a letter he received thanking him for volunteering at the Veteran's Home.

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Minutes Approved by the

Board of County Commissioners on _____

Donna Gebicke, Administrative Assistant

to the Board of County Commissioners