

ST. MARY'S COUNTY

BOARD OF COUNTY COMMISSIONERS' MEETING

GOVERNMENTAL CENTER

Tuesday, December 2, 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 8:48 p.m.

APPROVAL OF CHECK REGISTER

Commissioner Dement moved, seconded by Commissioner Jarboe, to authorize Commissioner McKay 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, November 18, 2003, as amended. Motion carried.

CLUB PROPERTIES (Lexington Manor)

Present: John Norris, III, County Attorney

Denis Canavan, Director, Land Use and Growth Management

Assignment of Line of Credit and Note

Commissioner Jarboe moved, seconded by Commissioner Dement, to acquire and accept the assignment of the Line for Credit and Note for Club Properties, Inc., from the First National Bank of St. Mary's. Motion carried.

Proposed Ordinance to Amend Official Zoning Maps

No comments were received during the 10 days that the record was left open following the August 26, 2003, Public Hearing on rezoning a portion of Club Properties property from OBP to DMX. The size of the property under consideration was confirmed to be 52 acres.

Having found that the property of Club Properties, Inc. in the Eighth Election District was mistakenly zoned and mapped as Office and Business Park (OBP), though the Board clearly contemplated that the Property would be zoned Downtown Core Mixed Use (DMX) and permit uses in that DMX zone, Commissioner Jarboe moved, seconded by Commissioner Dement that the St. Mary's County Official Zoning Maps be amended to change the zoning classification on the property of Club Properties, Inc. in the Eighth Election District from OBP to DMX, to be effective upon either: (1) an assignment of the indemnity mortgage of Club Properties, Inc. from the First National Bank of St. Mary's; or (2) satisfaction and release of the Indemnity Mortgage by Club Properties, Inc. Motion carried.

Development Rights and Responsibilities Agreement (DRARA)

No comments were received during the open record period following the Public Hearing on the DRARA. Comments raised during the Public Hearing were addressed.

Commissioner Jarboe moved, seconded by Commissioner Dement, that the Development Rights and Responsibilities Agreement submitted by petition of Club Properties, Inc. on February 20, 2003 is, in consideration for vacating the decision of the St. Mary's County Board of Zoning Appeals in case 00-210-001, hereby approved and the Commissioner President is authorized to sign the same, being effective immediately following effectiveness of the rezoning of the southern portion of the property of Club Properties, Inc. in the Eighth Election District. Motion carried.

PROCLAMATIONS

Commissioners Raley and Mattingly joined the meeting at this time.

The Commissioners presented proclamations designating November as Drunk and Drugged Driving Awareness and Prevention Month and December 13 as St. Mary's County Animal Welfare League Home for the Holidays (Pet Adoption) Day. *Commissioner President McKay left the meeting following the 3D Prevention Month proclamation.*

ST. MARY'S COLLEGE SCHOLARSHIP RECIPIENTS

Present: Torre Meringolo, Vice President for Development, St. Mary's College

Mary Helen Norris, Assistant Vice President for Development

Mr. Meringolo introduced the following recipients of St. Mary's County Scholarships to attend St. Mary's College of Maryland:

John H. Dixon (Great Mills High School)

Brittany Gill (Great Mills High School)

Kimberly Abell (Great Mills High School)

COUNTY ADMINISTRATOR

1. Draft Agendas for December 9 and 16, 2003, were reviewed.
2. In order to consolidate the several different pay cycles currently in place, the County Administrator proposed that the County payweek be uniformly applied county-wide. This consolidation would not only simplify the administrative process, but would also allow for the implementation of a Compressed Work Schedule (CWS) if approved by the Board in the future. The County Administrator will return to the Board at a future date with a proposed plan to select a department to carryout a CWS test run. Improving customer service will be the most important criteria for a successful CWS.

Commissioner Jarboe moved, seconded by Commissioner Dement to consolidate the current pay cycles to uniformly apply the payweek across the County. Motion carried.

3. **Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the Sheriff's signing of the Letter of Agreement with the Health Department for the Tobacco Use Prevention and Cessation Programs, accept pass through of grant, and to authorize Commissioner President to sign Budget Amendment to accommodate the additional \$600.00 of funds awarded. Commissioner Raley abstained. Motion carried 3-1.**
4. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Curb Abuse in Medicare & Medicaid Notification of Grant Award and Budget Amendment reflecting decrease of \$2,822 in revenues and expenses and increase in grant reserve account. Motion carried.**
5. **Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Budget Amendment to transfer \$15,000 from ADA Upgrades to Building Maintenance and Repairs for replacement of failed septic field at Walden/Compass Complex. Motion carried.**
6. **Commissioner Jarboe moved, seconded by Commissioner Dement to direct staff to re-draft the Draft Wicomico Shores Golf Course Advisory Board Bylaws to reflect that the Board of County Commissioners will appoint seven members, one of which will be a Recreation and Parks Board member, and to clarify the financial disclosure requirements. Commissioner Mattingly voted no. Motion carried 3-1.**
7. **Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Commissioner President to sign Public Works Agreement for Westbury PUD Subdivision, Section 2, Phase 2. The roads included in this agreement are: Westbury Boulevard West, Wilcutt Street, Altman Court , Bolden Court, and Gordon Court. Motion carried.**

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Commissioner President to sign Public Works Agreement Addendum for

Wildewood Subdivision, Pepper Ridge, Phase 3 (Wildewood Parkway) and to authorize Commissioner President to sign Public Works Agreement Addendum for Coombs Oaks Subdivision, Section 3 (Glenwood Place). Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Dement, to sign Resolutions accepting Greens Rest Drive, North Greens Rest Drive, Greens Rest Court, and South Greens Rest Drive into the County's Highway Maintenance System, and posting a 25-mph speed limit and stop signs. Motion carried.

Commissioner Dement moved, seconded by Commissioner Jarboe, to sign Deed and Resolutions accepting Woodmere Drive and Woodbury Place into the County's Highway Maintenance System and posting a 25-mph speed limit and stop signs. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to sign Resolution for No Parking Zone on Millstone Landing Road, County Route 30269, approximately 675 feet south of the intersection with Kimberly Court, continuing for a distance of 270 feet to the south. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign Budget Amendment transferring \$63,370 from FIBOCC Reserve Project to cover insufficient funds in Project PF0208. Motion carried.

- 8. Commissioner Dement moved, seconded by Commissioner Mattingly, to authorize Department of Land Use and Growth Management Director to sign non-binding Intention to Apply form for Maryland Historical Trust for a certified Local Government Grant. Motion carried.**

Commissioner President McKay returned to the meeting.

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Department of Land Use and Growth Management Director to sign non-binding Intention to Apply form for Maryland Historical Trust non-capital grant. Motion carried.

- 10. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign FY2003 Emergency Shelter Grant Agreement providing operating and emergency housing subsidies to Dept. of Social Services, Three Oaks Center, and Catholic Charities/Angel's Watch Regional Center. Motion carried.**

Housing Authority Executive Director will provide the Commissioners with statistics on the percentage of St. Mary's County residents being served.

2004 LEGISLATIVE PROPOSALS

The Commissioners took positions on the following Legislative Proposals from the Office of the Sheriff.

Legislative Item 5a, sub-proposal one: To grant law enforcement and correctional officers ability to bargain collectively, to repeal and reenact the Chapter 120 of the Code regarding appointment of deputies and responsibilities of the Sheriff and the Office.

Positions of the Board of County Commissioners

President Thomas F. McKay - No Support

Kenneth R. Dement - No Support

Lawrence D. Jarboe - No Support

Daniel H. Raley - No Support

Thomas A. Mattingly, Sr. - Support

Legislative Item 5a, sub-proposal two: Same as sub-proposal one, with the exception of the collective bargaining proposal

Positions of the Board of County Commissioners

President Thomas F. McKay - No Support

Kenneth R. Dement - No Support

Lawrence D. Jarboe - No Support

Daniel H. Raley - No Support

Thomas A. Mattingly, Sr. - Support

The Commissioners also reviewed a modified version of the Sheriff's request for amendment to the provision of the law related to command-level appointments, which was drafted by the County Attorney and is attached to this letter. This third proposal would provide that the Sheriff may consider a command-level structure, subject to approval and fiscal constraints imposed by the Board of County Commissioners.

Legislative Item 5a, sub-proposal three: Command Level Appointees

Positions of the Board of County Commissioners

President Thomas F. McKay - Support

Kenneth R. Dement - Support

Lawrence D. Jarboe - Support

Daniel H. Raley - Support

Thomas A. Mattingly, Sr. - Support

At the request of Commissioner Jarboe, discussion of the issues involved with conducting a Police Services Study will be placed on a BOCC agenda in the near future.

Legislative Item 7 - Changes in Open meetings law:

- a. Require organ. receiving public funds to have same open meetings standards as County government

Positions of the Board of County Commissioners

President Thomas F. McKay - No Support

Kenneth R. Dement - No Support

Lawrence D. Jarboe - Abstained

Daniel H. Raley - No Support

Thomas A. Mattingly, Sr. - No Position

- b. Repeat open meetings language from Section 4-210(a) in 4-203(a)

Positions of the Board of County Commissioners

President Thomas F. McKay - No Support

Kenneth R. Dement - No Support

Lawrence D. Jarboe - Abstained

Daniel H. Raley - No Support

Thomas A. Mattingly, Sr. - No Position

- c. Delete section exempting staff meetings from being noticed

Positions of the Board of County Commissioners

President Thomas F. McKay - No Support

Kenneth R. Dement - No Support

Lawrence D. Jarboe - No Support

Daniel H. Raley - No Support

Thomas A. Mattingly, Sr. - No Support

- (d) Require employees be notified in writing prior to contract being discussed

Positions of the Board of County Commissioners

President Thomas F. McKay - No Support

Kenneth R. Dement - No Support

Daniel H. Raley - No Support

Thomas A. Mattingly, Sr. - No Support

Lawrence D. Jarboe - Support

MECHANICSVILLE VOLUNTEER FIRE DEPARTMENT REQUEST

Present: Chief John Raley, Mechanicsville VFD

Paul Colonna, President Mechanicsville VFD

Phil Cooper, Acting Director, Emergency Management Agency

Chief Raley and Mr. Colonna outlined the Mechanicsville VFD's (MVFD) need for a Chaptico Sub-station and their desire to acquire 2-3 acres at or near the entrance of the Chaptico Park. The Chaptico Sub-station would serve the citizens of Chaptico, Budds Creek, Wicomico Shores and Country Lakes. The MVFD has no intention to reduce the fire tax of the 7th District Fire Department.

The Commissioners will consider the MVFD's request following receipt of information on the possible use of this land from staff at the next Board meeting.

APPOINTMENT OF BOCC VICE PRESIDENT

Commissioner Dement moved, seconded by Commissioner Raley, to appoint Commissioner Jarboe as Commissioner Vice President for one year. Commissioner Jarboe abstained. Motion carried.

COMMISSIONERS' TIME

Commissioner Raley

- Congratulations to St. Mary's Hospital on their successful Gala. This is a major fundraiser for them and was a wonderful affair.
- Unfortunately, due to an accident while working at home, I was unable to attend some of the other functions this week.
- Will attend Lettie Dent's 2nd and 5th grade students gingerbread auction on December 5 at 7 p.m. and hope to make it to Sheriff's Christmas party after the auction
- December 3, 11:30 am, at the Brass Rail is the kick off for Drunk and Drugged Driving Awareness and Prevention Month. Highway safety is always an important issue, but is particularly critical in December.
- Congratulations to Sean Powell. He was sworn in as Supervisor of Assessments.

Commissioner Dement

- Attended Southern Maryland Volunteer Firemen's Association Legislative Meeting at Mechanicsville Fire Department.
- Attended Town of Leonardtown's 6th Annual Christmas on the Square and 56th Annual Tree Lighting
- Congratulations to Sean Powell. Attended his swearing in ceremony as Supervisor of Assessments.
- First year as a Commissioner working with this group has been very satisfactory experience. We work well together as a group and I hope we can continue to do so.

Commissioner Mattingly

- Thanks to the Mechanicsville Fire Department for hosting the Southern Maryland Volunteer Firemen's Association Legislative Reception and Forum.
 - Attended ribbon cutting for new classroom building at the College of Southern Maryland, Leonardtown campus
 - The County lost two long-time volunteer firemen - Noah Callis (Hollywood) and Leo Newton (Mechanicsville). Would like to extend condolences to their families.
 - Congratulations to St. Mary's Hospital. They expect to make \$100,000 from their Hospital Gala.
-
- Christmas Program in Leonardtown. Would like to extend an invitation to everyone on behalf of the Town of Leonardtown and the Leonardtown Fire Department to stop by and look at the Christmas tree and the decorations throughout the town. The Christmas tree erected by the Fire Department looks great. The Town has done a great job decorating.
-
- Attended the 2nd Annual Silent Angels Memorial Ceremony at the Leonardtown Firehouse.

Commissioner Jarboe

- Want to remind everyone that the Public Forum has been rescheduled for December 16th, 6:30 p.m. at the Governmental Center. While the public is invited to comment on any issue, we will focus on Land Use and Growth Management issues. This is a good time for people who have brought these issues to individual Commissioners to bring them to the full Board to be duly recorded and acted upon.

Commissioner McKay

- Will attend Critical Area Commission meeting tomorrow. There are no St. Mary's County items on this week's agenda.
- Wine Growing Roundtable will be held at Higher Ed Center on Thursday at 1:30.
- Will meet with Commissioner Presidents Levy and Hale on quarterly basis to discuss regional issues. Please let me know of any items you would like me to bring up. Will meet this Friday morning.

PRESENTATION TO EMERGENCY COMMUNICATIONS 911 CENTER

The Commissioners visited the Emergency Communications 911 Center and presented a "Certificate of Excellence" to the staff from the Maryland Department of Public Safety and Correctional Services in recognition of the 911 Center's efforts in providing exemplary service.

The meeting Adjourned.

-

Minutes Approved by the

Board of County Commissioners on _____

Donna Gebicke, Administrative Assistant

to the Board of County Commissioners