

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, December 21, 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 10:36 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Monday, December 13, 2004. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, December 14, 2004, as corrected. Motion carried.

DRAFT AGENDA

The Board of County Commissioners reviewed the draft agenda for January 4, 2005.

DECISION RE: BUILDING PERMIT FEES

Present: Denis Canavan, Director of Land Use and Growth Management
Harry Knight, Permits Coordinator

A public hearing regarding proposed changes to the Building Permit Fees Ordinance was conducted on December 7, 2004. One written public comment was submitted during the open comment period, and that comment was included as part of the Board of County Commissioners' meeting packet. The effective date of adoption of the Ordinance must occur during the month of December.

The Department of Land Use and Growth Management outlined specific details regarding the implementation of the Building Permit Fee changes, and stated that any applications that are currently in process would be honored based on the current fees.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign the Ordinance regarding Building Permit Fees with an effective date of December 31, 2004. Motion carried.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT – REQUEST TO SCHEDULE A PUBLIC HEARING AND PRE-HEARING WORK SESSION FOR THE LEXINGTON PARK DEVELOPMENT DISTRICT PLAN

Present: Denis Canavan, Director
Jeff Jackman, Senior Planner
John Norris III, County Attorney

The Department of Land Use and Growth Management appeared before the Board of County Commissioners in order to request authorization to schedule a public hearing and at least one pre-hearing work session regarding the Lexington Park Development District Plan. The work session would allow staff to provide a detailed overview of the Plan and would allow Commissioners time to formulate additional questions or provide input and/or direction to staff prior to the public hearing.

Discussion included the following:

- The Planning Commission has asked for a reconsideration of the Plan. If the Commission should vote to reconsider, detailed information regarding the reconsideration and any alterations in the documents would be included in the Commissioners' meeting packets as part of the public hearing record.
- Mr. Norris pointed out that if a new subject matter that was not discussed by the Planning Commission is introduced at a meeting of the Board of County Commissioners, that matter must go back to the Planning Commission for review. The Planning Commission will meet the fourth Monday in January, and would be able to review any new subject matter at that time. Should this occur, the public hearing date must occur after this time, therefore, conducting a public hearing during the month of January would not, in all probability, allow the process to move forward as scheduled.
- Mr. Norris reported that the Planning Commission would have to authorize one of its members to speak on behalf of the Commission. If there were to be open dialog, the entire Planning Commission would have to be represented. In addition, any one of the members of the Planning Commission could speak on their own accord as an individual (and not as a representative of the Commission).
- A signed Resolution from the Planning Commission will be forthcoming, and a full explanation on how they reached their decision on the matter will be outlined and presented to the Commissioners by the end of 2004.

The following direction was given by the Board of County Commissioners:

- *Staff was directed to schedule a public hearing regarding the Lexington Park Development District Plan on or after February 15, 2005;*
- *The public hearing is to be held at the Southern Maryland Higher Education Center or larger facility in order to appropriately accommodate the public;*
- *The Planning Commission in its entirety should be invited to attend the work session that will be scheduled during the month of January as a matter of courtesy; and*
- *Staff was directed to work with the Commissioner President in order to determine the best date in January for the work session to take place (likely the 10th of January).*

Commissioner Raley moved, seconded by Commissioner Dement, to authorize the scheduling of a public hearing for the discussion of the Lexington Park Development District Plan and to authorize staff to advertise for the public hearing on or after February 15, 2005, at the Higher Education Center or similar facility that would accommodate the public. Motion carried.

AUTHORIZATION TO ALLOW THE TRANSFER OF DEVELOPMENT RIGHTS FOR LOVEVILLE AUCTION HOUSE

Present: Denis Canavan, Director, Land Use and Growth Management
Phil Shire, Planner, Land Use and Growth Management

A public hearing regarding authorization to allow the transfer of development rights for the Loveville Auction House was conducted previously, and legal advertising was completed as required by law. The authorization and signature of the TDR transfer for the Brubaker Loveville Auction House by the Board of County Commissioners would allow Mr. Shire to provide the final sign-off at the Department of Land Use and Growth Management on the matter.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to provide the authorization to allow the transfer of development rights for the Loveville Auction House as provided for in the Agreement to Transfer Development Rights and to authorize the Commissioner President to sign the Agreement to Transfer Development Rights. Motion carried.

Commissioner Mattingly directed staff to schedule a work session or place on the Commissioners' agenda the matter of TDRs. This should include County staff, the agricultural personnel from EDC, and the Farm Bureau, to try to get a handle on both the TDR program and whether it needs to be modified. Also included should be some of the historical problems the County has had recording, managing, and monitoring what properties TDRs have been transferred from and to, whether the numbers were right, whether they were transferred twice, and other questions on how they have been monitored over the years. The Commissioners determined that a work session would provide the best format.

ADVANCED LIFE SUPPORT SCHOLARSHIP PROGRAM

Present: Patrick Walsh, Director of Public Safety
Michael Barnett, Chair, Emergency Services Committee
John Norris, III, County Attorney

The Department of Public Safety and Emergency Services Committee outlined a new program recently established with the College of Southern Maryland that will provide the training for new Emergency Medical Technicians/Paramedics required in order for them to meet certification requirements. A request for supplemental funding to support this program in the amount of \$18,000 was submitted for consideration. Funding would be needed in subsequent budget years and will be included in the annual budget submissions.

The following information was presented or discussed:

- Students would be required to put forth funding of their own in addition to County funding;
- County Attorney recommended a Grant Agreement document. In-depth discussion took place concerning the need or requirement for such document;
- Details as to how the distribution of payment would occur; and
- Details of the program would be worked out by the Emergency Services Committee and the ALS Unit with sign-off by the Finance Department.

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Budget Amendment to the Emergency Services Committee in the amount of \$18,000 from the Commissioners' Reserve Account to establish a Reimbursement Program for the St. Mary's County ALS Unit Assistance Program and the guidelines for that Program be reviewed by the Emergency Services Committee as recommended by the ALS Unit and reviewed by the County Attorney and Finance Office. Motion carried.

BROADBAND FEASIBILITY STUDY RESOLUTION AND BUDGET AMENDMENT – FOLLOW UP ON NOVEMBER 30TH REQUEST OF THE TRI-COUNTY COUNCIL FOR SOUTHERN MARYLAND

Present: John Savich, Director, Economic and Community Development
Karen Everett, Business Development Manager
David Jenkins, Tri-County Council

A public hearing regarding the adoption of a Broadband Feasibility Study Resolution and Budget Amendment in the amount of \$11,600 was conducted on November 30, 2004. As outlined during the public hearing, the purpose of the feasibility study was to formalize Task Force effort to evaluate broadband options and impact/benefits to each of the County's (Charles, Calvert, and St. Mary's) current Broadband structure. Access to efficient and affordable broadband alternatives is an essential element to sustain and expand economic development in Southern Maryland.

Two Budget Amendments were presented for consideration. The first Budget Amendment covered funding from the County Reserves for Emergency Appropriations.

The second Budget Amendment covered funding from a projected balance in salaries in the Lexington Manor Redevelopment Project. It was pointed out that a similar Resolution would be forthcoming from the Tri-County Council. The Resolution was approved at their December 15, 2004, meeting with a vote of 7:0 in favor.

Charles County has adopted a Resolution and Calvert County was expected to vote on the matter today. Should no adoption of the Resolution take place in Calvert County, the originators would then have to look for another source of funding. The County Attorney reported that the item would still be able to move forward even if the funding came from another source. In addition, it was reported that MEDAAF would require Calvert County to approve and adopt this matter prior to moving forward.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign the Southern Maryland Broadband Feasibility Study Resolution and authorize the Commissioner President to sign the Budget Amendment utilizing funding remaining from salaries from Lexington Manor North. Motion carried.

APPOINTMENTS TO BOARDS, COMMITTEES, AND COMMISSIONS

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to appoint the following individuals to Boards, Committees, and Commissions. Motion carried.

<u>EXPIRE</u>	<u>TERMS TO</u>
<u>Adult Public Guardianship Review Board</u>	
Sherryl J. Petersen 2007	December 31,
<u>Agriculture, Seafood, and Forestry Commission</u>	
Ben Beal (Reappointment) 2007	December 31,
Tina L. Bowles (Reappointment) 2007	December 31,
Patrick E. Dugan 2007	December 31,
Rudolph Baliko 2007	December 31,
<u>Airport Advisory Committee</u>	
William G. McNamara (Reappointment) 2007	December 31,
F. Korey Smith (Reappointment) 2007	December 31,
<u>Commission for Women</u>	

Ceandra Scott	June 30, 2007
Jayne Hunsinger	June 30, 2007

Commission on People with Disabilities

Jacqueline A Fournier (Reappointment) 2008	December 31,
Paula Marcos (Reappointment) 2008	December 31,
Dennis Phillips (Reappointment) 2008	December 31,

Commission on the Environment

Frank Allen (Reappointment) 2008	December 31,
Norman Umberger 2006	December 31,

Community Health Advisory Committee

Marcel Brooks (Reappointment) 2007	December 31,
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Development Review Forum

Jim Bacot 2007	December 31,
Daniel F. Ichniowski (Reappointment) 2007	December 31,

Electrical Examiners Board

David Zorychta 2006	December 31,
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Ethics Commission

Arthur Goeller (Appointment Regular Member)	June 30, 2007
Viola M. Gardner (Appointment Alternate Member)	June 30, 2006

Marcey House Board

Joyce Dyson	December 31, 2007
Lynda L. Andrus	December 31, 2007
Darlene C. Jones	December 31, 2007

Planning Commission

James Howard Thomson (Reappointment) 2009	December 31,
Bryan Barthelme 2007	December 31,

Plumbing Board

Charles Downs	June 30, 2007
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Recreation and Parks

Coleman Hillman (Reappointment) 2008	December 31,
Chris Brugman 2008	December 31,

Teen Center Advisory Board

Kimberly Nokleby (Reappointment) 2008	December 31,
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Tri-County Youth Services Bureau

Kelsey Bush 2006	December 31,
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Wicomico River Commission

Thomas B. Davis 2006	December 31,
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Zoning Board of Appeals

David "Wayne" Miedzinski (Regular Member) 2005	December 31,
Walter R. Gillette (2 nd Alternate)	June 30, 2006

Commissioner President McKay called for a vote on the matter of appointments to Boards, Committees, and Commission. Motion carried.

COMMISSIONERS' TIME

Commissioner Dement

Presented commendations to Tommy Alvey and Jack Tippet for their voluntary contributions to senior citizens in the form of Bluegrass. These individuals were the original organizers and supporters, along with many other volunteers.

Along with the other Commissioners, conducted a press conference yesterday announcing the completion of the acquisition of Lexington Manor properties. The event went very smoothly, was past due, and has now been finalized.

Attended several Christmas open house events. Stated that he was unable to attend the Sheriff's Department Christmas party due to a conflicting event.

Wished a Merry Christmas and Happy New Year to all.

Commissioner Mattingly

Reported that several of the Commissioners attended the Tri-County Council meeting held last week in Waldorf. Had the opportunity to spend time with other fellow commissioners as well as legislators, and an excellent program was presented.

Recently judged the Leonardtown Middle School Science Fair Project. It was very interesting, and there were more than 100 projects entered. Students provided project descriptions and a wide variety of people were on hand to judge the event.

Reported that the Sheriff's Department, Maryland State Police, Patuxent River NAS Police, DNR Police, Optimist Clubs of St. Mary's, and perhaps ADF Bingo and the College Police, worked together to conduct a fund drive for underprivileged children in St. Mary's County. About \$10,000 was raised for this program, which is now in its second year. Children were assigned to deputies during a Christmas program, and the deputies picked each of the children up from their homes, drove them to the Wildewood Shopping Center, assembling in front of McKay's Food Store. The deputies, along with 63 children, departed the Wildewood Shopping Center with sirens and lights flashing, traveled to Wal-Mart, where each child was given \$150 to spend. Wal-Mart provided a 10% discount to the children, who then purchased gifts for themselves as well as their entire families. Commissioner Mattingly was able to watch the kickoff of the event and then watched the children at Wal-Mart making their purchases. Commended all the agencies for their commitment to this outstanding program and how hard they worked to bring it all together for the children.

Attended the Sheriff's Department Christmas party, which was a very good event.

Asked Mr. Forrest to respond to an e-mail recently received from the Chief of the Mechanicsville Rescue Squad regarding patients in St. Mary's County that will receive bills for Rescue Squad calls that come across county lines from Charles County into this jurisdiction if transport of any kind has been provided. This situation will likely occur due to Charles County's implementation of fee charges for calls after January 1, 2005. The northern part of this County may be seriously impacted by this situation. Perhaps there is a need to discuss mutual aid agreements with the Tri-County Council or some other appropriate method.

Outlined another issue that may need to be discussed with adjoining counties – received an e-mail stating that Calvert County is reviewing their procurement process. They are working on a bidding process that would preclude out of county bidders and/or give preference to Calvert County bidders. This should be looked into and reviewed along with any revisions that occur within our procurement process.

Stated that the “flush tax” will soon be implemented. Asked if METCOM had a program in place for this program. Stated that Steve King should submit a press release letting citizens know that this fee will be forthcoming, and that the State dictates that the County must collect it at the present time.

Commissioner Jarboe

Wished everyone a Merry Christmas and a Happy New Year. Stated that 2004 was a good year, and that he is looking forward to 2005.

Commissioner Raley

Stated that during this time of year in particular, there are numerous agencies in St. Mary’s County that are doing so much for citizens in need. The Sheriff’s Department, Immaculate Heart of Mary, Holy Face, St. Peters, Mike’s Bikes, and many other churches and organizations work to provide assistance to those who need it most. Expressed gratefulness to all those who contribute in this way. Stated that it is a great time to live in St. Mary’s County.

Wished everyone a Merry Christmas and a very enjoyable New Year.

Commissioner President McKay

Commissioner President McKay outlined the holiday closings and hours for Governmental Offices, the Treasurer’s Office, STS bus service, Convenience Centers and the St. Andrew’s Landfill.

Reminded citizens that they may take their cut Christmas trees, after removing all decorations, to the County’s Convenience Centers for mulch processing. The mulch will then to used for various County parks and facilities, and any remaining mulch will be available in the spring and summer free of charge for citizens to collect.

Extended congratulations to all the public and private organizations that do so much in the way of service throughout the County. Expressed his wishes for a Merry Christmas and a Happy New Year to all citizens and employees of St. Mary’s County.

ADJOURNMENT

The meeting adjourned at 12:15 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator

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