

## **Commissioners of St. Mary's County Meeting Minutes (Tuesday, November 17, 2015)**

*Generated by Sharon Ferris on Monday, November 23, 2015*

### **Members present**

Commissioner President James R. Guy  
Commissioner Michael L. Hewitt  
Commissioner Tom Jarboe  
Commissioner Todd B. Morgan  
Commissioner John E. O'Connor  
Dr. Rebecca Bridgett, County Administrator  
Sharon Ferris, Recorder

### **1. JOINT COMMISSIONERS OF ST. MARYS COUNTY AND METROPOLITAN COMMISSION MEETING**

The Commissioners of St. Mary's County conducted a joint meeting with the St. Mary's County Metropolitan Commissioners at 9:00 am in MetCom's conference room.

Present:

Commissioner President James R. Guy  
Commissioner Michael L. Hewitt  
Commissioner Tom Jarboe  
Commissioner Todd B. Morgan  
Dr. Rebecca Bridgett

Absent: Commissioner John O'Connor

Steve Willing, Chairman, Metropolitan Commission Board of Commissioners  
Robert Russell, Vice Chair  
Mike Mummaugh, Commissioner  
Bryan Barthelme, Commissioner  
Mark Thompson, Commissioner  
Charles Pessagono, Jr., Commissioner  
Scott Bundy, Executive Director, St Mary's County Metropolitan Commission

Topics of discussion were St. Clements Shores, System Hookup Policy/Fees, Follow up on Davenport & Company 2015 Debt Policy Study, MetCom Financing without County's Backing, New Water Rates and How They Relate to the Meter Size, and Chapter 113. Follow up items are:

Conduct Debt Study. Cost is \$17,500. MetCom Board will determine at their next meeting if they are going to contribute to half of the cost.

- Conduct Debt Study, Cost is \$17,500. MetCom Board will determine at their next meeting if they are going to contribute to half of the cost.
- There was agreement to expand the limits for amortization to read "from 30 years up to 40 years" in Chapter 113 (legislative action needed).
- Provide MetCom with the emails Commissioners receive concerning dissatisfaction with water bills.

- County needs to define service area for St. Clements Shores.

## **2. DEPART JOINT MEETING**

### **3. WELCOME**

Commissioner President Guy called the meeting to order at 9:00 in the Chesapeake Building meeting room, Governmental Center.

Approval of Minutes

I move to approve the minutes of November 10, 2015 as presented.

Motion by Commissioner Michael L. Hewitt, second by Commissioner Tom Jarboe.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan

Note present for vote: Commissioner O'Connor

### **4. PRESENTATIONS**

#### **A. Public Forum for Vacant Board of Education Seat**

The Commissioners have been interviewing candidates for the vacant Board of Education Position. Prior to making a selection, the Commissioners asked the 34 applicants to provide a brief overview of their qualifications in pen forum at the Commissioners' regular business meetings on November 3, 10, and 17, 2015. The following candidates presented their qualifications today.

- Donald Belanger, Jr.
- James Brown
- Karen Fennell
- Anita Getson
- Stephanie Hampton
- David Kelsey
- Ronald Thompson
- Peter Ulrich
- John Walters

#### **5. LUNCH/RECESS**

### **6. COUNTY ADMINISTRATOR**

#### **A. DRAFT AGENDA for December 1, 2015**

#### **B. DEPT. OF PUBLIC WORKS & TRANSPORTATION – Agricultural Scrap Tire Drop Off Event Intergovernmental Agreement (IGA)**

I move to approve and authorize the Commissioner President to execute the Agricultural Scrap Tire Drop-Off Event Intergovernmental Agreement.

Motion by Commissioner Tom Jarboe, second by Commissioner Todd B Morgan.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

**C. DEPT OF PUBLIC WORKS & TRANSPORTATION - FDR Boulevard Phase 1 Project – Option Contract for Property Acquisition**

I move to approve and authorize the Commissioner President to execute the Option Contract between Hickory Hills IIIB, LLC and the Commissioners of St. Mary's County and all other documents required for the acquisition.

Motion by Commissioner John E. O'Connor, second by Commissioner Todd B. Morgan.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

**D. DEPT. OF AGING AND HUMAN SERVICES - FY2016 Community Options Waiver & Community First Choice Agreement**

I move to approve the Community Options Waiver & Community First Choice Agreement Provider Solicitation Request for Responses, Project #MD1635, from the Maryland Department of Aging on behalf of the Department of Aging and Human Services in the amount of \$156,993 for fee-for-service, provider and County funds, and the related budget amendment that includes decreasing program funding by \$77,207 and requests \$20,000 County funding using the Commissioners' Emergency Reserve, and authorize the Commissioner President to execute the related documents.

Motion by Commissioner Tom Jarboe, second by Commissioner Michael L. Hewitt.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

**E. DEPT. OF AGING AND HUMAN SERVICES - FY2016 Senior Care Notification of Grant Award**

I move to approve the Senior Care Notification of Grant Award (NGA) between the County and the Maryland Department of Aging on behalf of the Department of Aging and Human Services for providing Senior Care Support, project #MD1603, in the amount of \$100,000 and the related budget amendment that includes increasing County funding by \$7,475 using the Commissioners' Emergency Reserve, and authorize the Commissioner President to execute the related document.

Motion by Commissioner Todd B. Morgan, second by Commissioner Tom Jarboe.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

**F. DEPT. OF AGING AND HUMAN SERVICES - FY2016 Senior Medicare Patrol (SMP) Notification of Grant Award**

I move to approve the Senior Medicare Patrol Notification of Grant Award (NGA) between the County and the Maryland Department of Aging on behalf of the Department of Aging and Human Services (to educate Medicare beneficiaries about the types of activities that constitute fraud and abuse,) project #US1661, in the amount of \$2,551 and the related budget amendment

which will decrease the project budget to be in accordance with the actual agreement/award, and authorize the Commissioner President to execute the related document.

Motion by Commissioner Tom Jarboe, second by Commissioner John E. O'Connor.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

## **7. MAIN AGENDA ACTION ITEMS**

### **A. COUNTY ADMINISTRATOR - Non- Profit Funding Policy**

**Present:** Dr. Rebecca Bridgett, County Administrator

Jeannette Cudmore, CFO

The Commissioners asked staff to work with the Vital Community Connectors (VCC) to develop a policy for funding non-profit agencies in the FY 2017 budget year. Jeannett Cudmore and Dr. Bridgett met with the VCC leadership as well as the Non-Profit Institute to review a draft policy and seek their input. On October 20, 2015, the Commissioners were provided information on proposed category and funding models to be used in preparation for the FY 2017 budget process and approved a request for a public hearing. Notice of Public Hearing was published in *The Enterprise* on October 21 and 23, 2015. Two public hearings (morning and evening) were held on October 27, 2015, to seek public input. Seven citizens provided comments and the first hearing, and eight citizens at the second hearing. Seven additional comments were received following the public hearing. The policy presented today is the result of input from all involved.

I move to approve Category 1; Funding Option 2 for the funding non-profit agency policy.

Motion by Commissioner Tom Jarboe, second by Commissioner John E O'Connor.

Final Resolution: Motion Carries

Yea: Commissioner President James R Guy, Commissioner Michael L Hewitt, Commissioner Tom Jarboe, Commissioner Todd B Morgan, Commissioner John E O'Connor

## **8. COMMISSIONER'S TIME**

The Commissioners highlighted events attended over the past week and provided general comments.

## **9. EXECUTIVE SESSION**

### **MOTION TO ENTER INTO EXECUTIVE SESSION**

I move to enter into Executive Session for the purpose of discussing personnel and litigation items.

Motion by Commissioner Michael L. Hewitt, second by Commissioner Tom Jarboe.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

## **EXECUTIVE SESSION**

Litigation

Present: Commissioner James R. Guy, President  
Commissioner Michael L. Hewitt  
Commissioner Tom Jarboe  
Commissioner Todd B. Morgan  
Commissioner John E. O'Connor  
Rebecca Bolton Bridgett, Ed.D., County Administrator  
George Sparling, County Attorney  
Randy Burns, Procurement Manager  
Donna Gebicke, Administrative Assistant  
Authority: Local Government Article Section 9-512(a)(2)  
Time Held: 2:15 pm – 2:29 pm  
Subject: Litigation

Personnel

Present: Commissioner James R. Guy, President  
Commissioner Michael L. Hewitt  
Commissioner Tom Jarboe  
Commissioner Todd B. Morgan  
Commissioner John E. O'Connor  
Rebecca Bolton Bridgett, Ed.D., County Administrator  
Sue Sabo, Chief of Staff, HR Director  
Donna Gebicke, Administrative Assistant  
Authority: Local Government Article Section 9-512(a)(1)  
Time Held: 2:30 pm – 2:50 pm  
Subject: Personnel (Board of Education Vacancy)

**10. RETURN TO OPEN SESSION**

**A. DECISION ON BOARD OF EDUCATION APPOINTEE**

I move to appoint Daniel Carney to the St. Mary's County Board of Education effective immediately to serve for the remainder of the term of Marilyn Crosby.

Motion by Commissioner Todd B. Morgan, second Commissioner Tom Jarboe.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

**11. ADJOURN**

The meeting adjourned at 4:05 pm.

Minutes Approved by the Commissioners of St. Mary's County on \_\_\_\_\_

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Sharon Ferris, Senior Administrative Coordinator

## **12. JOINT COMMISSIONERS AND ST. MARY'S COUNTY DELEGATION PUBLIC MEETING ON 2016 LEGISLATIVE PROPOSALS**

Present:

Commissioner President James R. Guy  
Commissioner Michael L. Hewitt  
Commissioner Tom Jarboe  
Commissioner Todd B. Morgan  
Commissioner John E. O'Connor  
Dr. Rebecca Bridget, County Administrator  
George Sparling, County Attorney

Delegates present:

Senator Steve Waugh  
Delegate Tony O'Donnell  
Delegate Matt Morgan  
Delegate Deb Rey

Commissioner President Guy called the meeting to order at 6:30 pm in the Chesapeake Building meeting room, Governmental Center. The purpose of the Joint Meeting was to provide an opportunity for the Commissioners, the Delegation and the public to hear presentations and provide comments on the 2016 Legislative Proposals. Commissioner Guy asked if there were any Legislative Proposals for citizens in the audience and there were none. Mr. Sparling introduced each proposal, submitters provided additional information where appropriate and the Commissioners and Delegation provided comments. The meeting was open for public comments as well.

*Public Comments (Comments as noted below are intended as highlights of testimony given and are not verbatim)*

### **COMMISSIONERS OF ST. MARY'S COUNTY LEGISLATIVE PROPOSALS**

#### **1. Revision of Code of St. Mary's County**

The County Attorney introduced Revision of Code of St. Mary's County because chapters in the Code of St. Mary's County, Maryland are archaic, superseded by or preempted by another law. Mr. Sparling noted this was presented last year and it was his understanding that Commissioner O'Donnell wanted it submitted again this year.

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|----------------|------------------------|
| a. Chapter 8   | Auditor                |
| b. Chapter 19. | Circuit Court          |
| c. Chapter 38. | Electrical Examiners   |
| d. Chapter 43. | Fences                 |
| e. Chapter 54. | Foxes                  |
| f. Chapter 61. | Hucksters and Peddlers |
| g. Chapter 68. | Keeper of the Jail     |
| h. Chapter 71. | Landlord and Tenant    |

- |                 |                              |
|-----------------|------------------------------|
| i. Chapter 73.  | Land Records                 |
| j. Chapter 77.  | Licenses                     |
| k. Chapter 92.  | Plumbing Code                |
| l. Chapter 106. | Retirements and Pensions     |
| m. Chapter 131. | Tax Exemptions               |
| n. Chapter 133. | Taxicabs                     |
| o. Chapter 136. | Trailers                     |
| p. Chapter 114. | Vocational Training Facility |

The Delegation agreed that these items should be broken into 16 different requests because each is a separate issue; they should be voted on individually by the Commissioners; research should be done to see which outdated laws might still have an impact on current laws; and, suggested it would be advantageous for the Commissioners to provide letters of support on any of the items affecting other entities.

There were no public comments.

## **2. St. Mary's County Board of Education – Term Limits**

Commissioner O'Connor introduced term limits for the Board of Education for discussion and comments. Commissioner O'Donnell asked if this has been socialized with BOE and if the Commissioners had any letters from the Board of Education. He suggested the Commissioners hold a public hearing with BOE on this and cautioned that this has the potential to decimate the knowledge base.

There were no public comments.

## **3. Operation of Golf Carts on Public Roads**

Commissioner O'Connor introduced operation of golf carts on public roads for discussion and comments. Citizens in Golden Beach community want to legally drive their golf carts in their neighborhood. The Delegation noted they understand the concept but need more specifics.

Public comment:.

### **Keith Harless, 23225 Mirfield Ln, Lexington Park, MD 20653**

This proposal lacks details such as

- Age of driver?
- Does it apply to ATVs – how far down are we going?
- Slow moving vehicles – what about insurance have you checked with insurance companies?
- Do you need safety items such as lights, seat belts?
- To many unknowns.
- Everything tonight is wide open.

#### **4. St. Mary's County Open Meeting Act – Closed Session.**

Commissioner O'Connor introduced the St. Mary's County Open Meeting Act for discussion and comments. He suggested there should be consequences if information, other than what is required by law, is disclosed from an executive session. Commissioner Guy noted this had happened recently. Delegate Rey asked what is the consequence you want, how would they be enforced, and by whom? Senator Waugh urged Commissioners to discuss this further with Delegate Rey who is a member of the Judiciary Committee that this would probably be processed through.

There were no public comments.

#### **5. St. Mary's County Sheriff's Department – Collective Bargaining**

Commissioner O'Connor introduced collective bargaining for the Sheriff's Office for discussion and comment. The County received a letter from the Fraternal Order of Police (FOP) requesting this. Turn-over rate in the Sheriff's Office is much higher than in other jurisdictions. It costs \$181,000 to train and equip new deputies only to lose them to other counties that have a collective bargaining unit which offers a stable platform for the future. Commissioner O'Donnell noted that he has concerns with collective bargaining. Since it was unknown if the entire FOP had voted on this it was suggested that the FOP take a vote and then bring that back to the Commissioners for vote.

Public comment:

#### **Bill Raddtz, 23510 Leonard Hall Dr., Leonardtown MD 20650**

We lost 10% of our agency. Everyone who left went to a collective bargaining area. All members of FOP would not be required to join if this is passed. We would work with the Sheriff on the language. With collective bargaining you understand your benefits and if they are going to be changed you have a say in it. For example, an individual is hired told if you leave after 20 years you will have certain benefits and three years later benefits change and you have no say in the process. This has happened here. Officers want stability. Nothing would be taken away from management.

### **REQUESTS FOR ENDORSEMENT**

#### **1. Alcohol Beverage Board**

The Alcohol Beverage Board submitted a letter to Delegate O'Donnell describing 5 issues. (1) Clarify that alcohol beverages are not only prohibited to be brought into the building of a for-profit business, but also any part of the businesses' premise whether inside or out. (2) Correct sample serving of beer from 3 ounces to 2 ounces. (3) Provide authority to the Board to assess accountability and impose appropriate sanctions on the individual person that made an illegal sale of an alcohol beverage to an underage person. (4) Add requirement that all new applicants for beverage license in St. Mary's County attend RAST training. (5) Allow a Class A – Off Sale retail store to add a determined number of beer and/or wine tastings. Alcohol Beverage Board members present to present and answer questions were: Moses P. Saladana, Chairman; Jim Tanavage, Board Attorney and Tamara Hildebrand, Board Administrator.

Public comment:

David Dent, 45939 Rolling Rd., Lexington Park MD

Representing Licensed Beverage Board of St. Mary's County. Support what presented to Delegation. Want opportunity for liquor stores to have tastings. Think the 7 day timeframe for putting in a request was put in to give liquor board time to inspect. Support penalties for licensees - if no consequences for employees will they be responsible. Support RAST training.

Discussions on the topic that alcohol beverages are not prohibited to be brought into the building of a for-profit business was discussed at length because during the holidays businesses/contractors will be hosting parties and wish to serve alcohol. Delegate Rey suggested the Alcohol Beverage Board consider allowing for-profit businesses who want to have events on their premises and serve alcohol be allowed to have a one day permit like non-profits. As an example, if a jewelry store wants to serve wine on a particular night to people shopping.

## **2. Cost of Abused Animals - Charles County proposal**

It was noted that this proposal submitted by the Charles County Board of County Commissioners has been proposed several time. Last year it was outvoted. Delegate Rey asked is the HB362 that the Commissioners received was the third read because there are two different versions out there. Delegate O'Donnell asked the Commissioners to clarify if that is what they want.

There were no public comments

## **3. Delegate Morgan's Proposal for Tax incentives**

Delegate Morgan introduced tax incentives for discussion and comment. This proposal, to exempt St. Mary's County businesses from paying personal property taxes, was introduced last year and Commissioner Jarboe went to Annapolis to testify. It was not even considered even though it was emphasized that this would only impact St. Mary's County. This proposal is essentially the same as last year. Commissioner Jarboe's economic development ties right in with this proposal.

## **DISCUSSIONS**

### **1. Economic Development**

Commissioner Tom Jarboe introduced this item for discussion and comment. St. Mary's County is exploring ways to diversify its economy and eliminating the personal property tax on businesses would hopefully entice more businesses to relocate to the county. A delegation from the County went to Huntsville, Alabama to explore how they have overcome BRAC issues and diversified their economy. The group looked at what best practices could be used in St. Mary's County.

It was noted that the Commissioners have the authority now to cut personal property taxes on businesses in St. Mary's County. Delegate Waugh noted that it would help strengthen Delegate Morgan's proposal if the County would cut the tax then send a letter of support for his proposal

as part of the pro-business policy. It was also suggested that all five Commissioners attend the hearing to testify for the proposal. Commissioner O'Donnell noted this is a good proposal for the County and that is what the Governor wants to do, entice business to the state. The Delegation and Commissioners decided to create a small working subcommittee consisting of Delegate Morgan, Senator Waugh, Commissioner Jarboe, another Commissioner and a Chamber of Commerce representative to formalize tax incentive/economic development proposals and bring all decisions back to all the delegates and commissioners.

There were no public comments.

## **2. St. Mary's County Metropolitan Commission**

Commissioner Mike Hewitt introduced this item for discussion and comment. Discussions focused on bond amortization, cost and financing of water and sewer connections and governance. Commissioner Hewitt said currently MetCom's bonds are amortized over a period of 30 years and he would like to see that changed to spread over 40 years. He noted the cost of connecting to water and sewer is restricting small businesses and some home owners to connect and we should be exploring options to allow homeowners and business to connect. The Commissioners are exploring ways to bring down MetCom costs whether it be folding them under the County, have them as a spin off public utility like SMECO or leave it like it is. It was suggested that each of these topics be voted on separately by the Commissioners. It was agreed to form a working group consisting of Delegate Rey, Delegate O'Donnell, Commissioner Jarboe or representatives chosen by Commissioner Guy and a MetCom representative. Commissioner O'Donnell requested MetCom provide what debt they owe, what their limitations are and what their debt service is.

The delegation agreed there is still much work for the Commissioners to do before these proposals become prime time. Delegate O'Donnell noted that another session is needed and he and Commissioner Guy will get together to determine a timeframe then, Dr. Bridgett could work with his staff to schedule it.

Commissioner O'Donnell referred to an article in the newspaper that St. Mary's College was seeking funds from the Commissioners and stated he does not support state agencies coming to local governments for support. He suggested the Commissioners not support government agencies asking for funding – their requests should go to the state.

The joint meeting adjourned at 10:00 pm.