

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Tuesday, February 27, 2007**

**Present:** Commissioner President Francis Jack Russell  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John Savich, Acting County Administrator  
Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

**CALL TO ORDER**

The meeting was called to order at 9:00 am.

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of February 20, 2007, as presented. Motion carried 5-0.**

**DEPT. OF RECREATION, PARKS & COMMUNITY SERVICES: ST. MARY'S COUNTY  
TEEN COURT PROGRAM - STATUS AND PLANS FOR FUTURE**

**Present:** Cynthia Brown, Community Services Div. Mgr.  
Kelsey Bush, Youth Coordinator  
Rebecca Bowser, Teen Court Coordinator

Ms. Brown described the St. Mary's County Teen Court Program as a national program designed to give first time juvenile offenders a second chance. The program calls upon young offenders to take responsibility for their behaviors, to recognize the impact on their victims, and to accept the consequences of their actions. Most importantly, the program provides alternatives so these behaviors do not continue and become more serious.

Ms. Bowser led the presentation providing information regarding program goals, eligibility requirements, and statistical data and details; specifically regarding the types of cases handled, refusals, sanctions, respondent success rate, recidivism rate, criteria for closing a case, and program

volunteers (number/hours). In St. Mary's County, 183 juveniles have gone through the program: 92% have successfully completed the program, and 86% have not been repeat offenders.

## **COMMISSION ON AGING: "FINAL REPORT OF THE ST. MARY'S COUNTY COMMISSION ON AGING SENIOR FORUMS RESULTS"**

Present: Mary Ruth Horton, member  
Pat Myers, member

During the latter part of 2004 and early 2005, the Commission on Aging developed a survey, comprised of 18 questions, that was distributed throughout the County. The priority issues identified by the survey results are: property tax relief, health care resources, crime and personal security and identity theft, and housing (assisted living and independent living). Additionally, three forums were held to answer seniors' questions and to provide informational materials. Ms. Horton and Ms. Myers provided an overview of the survey and forum results, including the status of resulting actions.

Copies of the report have been placed at each of the County's libraries and senior centers. Placing a copy on the County's website is being pursued. Additionally, a copy may be obtained by contacting the Public Information Office, located in the Governmental Center.

## **COUNTY ADMINISTRATOR**

1. Draft Agendas for March 6, and 13, 2007
2. **Dept. of Recreation, Parks, and Community Services** (*Phil Rollins, Director*)

*(Debra Pence, Museum Division Director)*

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Maryland Heritage Areas Authority Grant application for the Piney Point Lighthouse Museum and Park and to sign the related consent letter. Motion carried 5-0.**

**Commissioner Dement moved, seconded by Mattingly, to approve and authorize the Commissioner President to sign the USTA grant application for the renovation and expansion of the tennis courts at Cecil Park. Motion carried 5-0.**

3. **Dept. of Public Safety**

*(Timothy Bennett, Manager, Emergency Management Division)*

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Addendum to MOU between the MD Dept. of the Environment and the St. Mary's County Local Emergency Planning Committee (LEPC) for the Community Right-to-Know**

**Fund Grant 2007 Program Grant Allocation of \$9,200 for LEPC activities and the associated Budget Amendment, decreasing the project budget revenues and expenses by \$800 in accordance with the actual grant amount. Motion carried 5-0.**

*(Shirley Copado, Manager, Emergency Communications)*

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the Emergency Numbers Systems Board Grant Award and authorize the Commissioner President to sign the related Budget Amendment decreasing the project budget revenues and expenses by \$36,046 in accordance with the actual grant amount. Motion carried 5-0.**

4. **State's Attorney** *(Ted Weiner, Deputy State's Attorney)*

**Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the Budget Amendment increasing the revenues and expenses for Project Graduation in the amount of \$1,888. Motion carried 5-0.**

5. **Dept. of Economic and Community Development** *(John Savich, Acting County Administrator and Director, DECD)*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Cooperative Agreement, as amended to include revisions requested by the Board today, between the Board of County Commissioners and the Commanding Officer, Naval Air Station, for Encroachment Mitigation and Prevention at the naval installation of the Patuxent River Complex. Motion carried 5-0.**

*Commissioner Mattingly recommended amending the Agreement's language to change "meet twice yearly" to "meet at least twice yearly."*

6. **County Attorney** *(Liz Passarelli, Real Property Manager; Robin Guyther, Land Use Consultant; Duke May, property owner)*

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Temporary Railway Right-of-Way Easement Agreement for the purpose of grading associated with the construction of an access alley located on or near Allstate Insurance, Rt. 235, California, MD, and to waive the \$500 application fee normally associated with this type of request. Motion carried 5-0.**

7. **St. Mary's County Family Violence Coordinating Council** *(Dr. Kathleen O'Brien, Chair, and Executive Director Walden/Sierra, Inc.; Sue Sabo, Director, Human Resources, and County Dept. Representative)*

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Bylaws of the St. Mary's County Family Violence Coordinating Council. Motion carried 5-0.**

## **COMMISSIONER'S TIME**

### Commissioner Mattingly

Attended a portion of the green building conference (St. Mary's County Commission on the Environment forum "Sustainable Building Today for a Greener St. Mary's Tomorrow") at the Forrest Career and Technology Center.

Attended the 4-H of St. Mary's County Achievement Banquet at the Leonardtown Fire House. Congratulations for support and involvement was extended to the 4-H members and their families. Apologized to the Chamber of Commerce; could not attend their Legislative Breakfast due to a Budget Work Session scheduled during the same time.

There are Bills being introduced in Annapolis that need some serious attention. We may need to draft some letters to the Delegation at some point to express our opinions on the impact they will have on St. Mary's County. There is one regarding fees for impervious areas that needs to be watched closely as there would be significant impacts on the County.

### Commissioner Raley

Reiterated Commissioner Mattingly's request regarding having the Deputy Co Attorney provides a status update on the proposed Bills (County requests and major state legislation).

### Commissioner Jarboe

Regarding the upcoming TDR discussion, reflected on 4-H principles and the importance to the County.

### Commissioner Russell

Also attended the green building forum, as mentioned by Commissioner Mattingly.

Will be at St. Mary's College on Saturday for a sustainable green building panel discussion; along with Denis Canavan, will be providing a presentation.

Congratulated and thanked Commissioner Mattingly, for his involvement with MACo; Commissioner Jarboe, involvement with the Tri-County Council; as well as Commissioner Raley, Ag Commission; and Commissioner Dement for his on-going support and interest in his district.

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

**Commissioner Jarboe moved, seconded by Commissioner Raley, to enter into Executive Session regarding personnel, specifically, the County Administrator applicants and the proposed reclassifications. Motion carried 5-0.**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to enter into Executive Session for the purpose of discussing Boards and Commissions. Motion carried 4-1, with Commissioner Jarboe voting against the motion.**

## **EXECUTIVE SESSION**

## **Personnel**

Present: Commissioner Francis Jack Russell, President  
Commissioner Kenneth R. Dement  
Commissioner Lawrence D. Jarboe  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
John Savich, Acting County Administrator (portions of the session)  
Sue Sabo, HR Director (portions of the session)  
Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)1  
Time Held: 11:20 am - 12:53 pm  
Action Taken: The Commissioners discussed the County Administrator applicants, proposed reclassifications, and Boards and Committee applications.

### **OPEN SESSION: ACTION FROM EXECUTIVE SESSION**

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to direct staff to proceed with Boards, Committees, and Commissions as discussed during the Executive Session. Motion carried 4-0, Commissioner Dement abstained.**

**Commissioner Jarboe moved, seconded by Commissioner Mattingly, to direct staff to proceed with personnel matters as discussed during the Executive Session. Motion carried 5-0.**

### **DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: DISCUSSION OF TRANSFERABLE DEVELOPMENT RIGHTS (TDRS)**

Present: Denis Canavan, Director

Mr. Canavan requested authorization to reintroduce the Text Amendment to the TDR program that was originally presented to the previous Board last year. Referring to his memo to the Board of February 23, 2007, he suggested three alternative approaches for moving forward and recommended the option to authorize processing the Text Amendment (same Text Amendment as presented last year, which had been voted on favorably by the Planning Commission); and conducting one or more public meetings prior to arranging a Public Hearing by the BOCC. There was consensus among the Commissioners to conduct two parallel track public informational meetings; one north and one south of the County.

*Commissioner Russell expressed support for the TDR information meetings and moving forward in concert with addressing the Adequate Public Facilities (APF) issue, including the Citizen-based APF Task Force recommendation that the Board form a Task Force to look at the value of agricultural and environmental land in the Rural Preservation District. Commissioner Russell asked each Commissioner to provide at the next Commissioners meeting the name of one citizen to serve on the Task Force.*

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Director, Land Use and Growth Management, to proceed with the proposed Text Amendment, and conducting two public meetings in coordination with scheduling the public hearing required by the Board to address the recommendations of the Transferable Development Task Force. Motion carried 5-0**

*Commissioners Raley and Mattingly clarified that the Text Amendment has already gone through the Planning Commission process.*

## **ADJOURNMENT**

The regular business meeting adjourned at 2:25 pm, and the Commissioners then participated in the Budget Work Session until approximately 5:00 pm.

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

---

Betty Jean Pasko, Senior Administrative Coordinator