

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, March 8, 2005**

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)
Kate Mauck, Senior Administrative Coordinator (Recorder)

The Board of County Commissioners conducted a March for Meals on Wheels at 8:00 a.m., prior to the beginning of the regular meeting.

Kate Mauck transcribed the following portion of the meeting minutes:

CALL TO ORDER

The meeting was called to order at 8:48 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, 5-0.

APPROVAL OF MINUTES

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, March 1, 2005. Motion carried, 5-0.

POSITIONS ON SENATE BILL 705

The Board of County Commissioners took the following positions on proposed Senate Bill 705:

**Commissioner Dement - Opposed
Commissioner Jarboe – No position, would like a public hearing to be held
Commissioner Mattingly - Opposed
Commissioner President McKay - Opposed
Commissioner Raley – Opposed**

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: DECISION ON PROPOSED WATER AND SEWER PLAN AMENDMENT – GRANDVIEW HAVEN SUBDIVISION (CWSP#04-120-015)

Present: Jeff Jackman, Senior Planner
Denis Canavan, Director

The Department of Land Use and Growth Management presented information regarding the proposed Water and Sewer Plan Amendment (CWSP#04-120-015) for Grandview Haven Subdivision. A public hearing regarding the matter was conducted on November 30, 2004. Proper legal advertisement for the public hearing was placed in *The Enterprise* newspaper on November 10 and November 27, 2004. A Resolution was presented for final discussion and a decision. The proposed change on Grandview Haven Subdivision would change the category from NPS (No Planned Service) to RW (Rural Water Service, Developer Financed) on parcel 12 of Tax Map 18.

Discussion included the following: TDR issues, clustering, land preservation, density, items to be recorded by the Department of Land Use and Growth Management on the recorded plat, the possible need to dig into a deeper aquifer, remaining open space, and the preliminary plan build-out process. It was reported that the Planning Commission recommended the category change as outlined in the proposed amendment.

Commissioner Mattingly asked that staff look carefully into the issue of school seat availability and report on this during the planned briefing to Commissioners on the TDR process.

Commissioner Jarboe moved, seconded by Commissioner Dement, to deny the Comprehensive Water and Sewerage Plan Amendment for Grandview Haven Subdivision. Commissioner Jarboe and Commissioner Dement voted in favor of the motion; Commissioner Mattingly, Commissioner Raley, and Commissioner President McKay voted against the motion. Motion failed, 2-3.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the Comprehensive Water and Sewerage Plan Amendment for Grandview Haven Subdivision CWSP #04-120-015. Commissioner Mattingly, Commissioner Raley, and Commissioner President McKay voted in favor of the motion; Commissioner Dement and Commissioner Jarboe voted against the motion. Motion carried, 3-2.

SUPPLEMENTAL APPROPRIATION DECISION: FY03 STATE HOMELAND SECURITY GRANT PROGRAM CLOSE-OUT GRANT AWARD IN ORDER TO PURCHASE INTEROPERABILITY EQUIPMENT

Present: Patrick Walsh, Director of Public Safety
Elaine Kramer, Chief Financial Officer

An Ordinance and Budget Amendment for a Supplemental Appropriation on FY03 State Homeland Security Grant Program Close-Out Grant were presented for a final decision. The \$496,000 Grant Award and related Budget Amendment would provide funding to purchase interoperability equipment for first responders in St. Mary's County. A public hearing regarding the matter was conducted on February 22, 2005, and proper legal advertising was placed in *The Enterprise* on February 22 and February 16, 2005.

Commissioner Mattingly moved, seconded by Commissioner Jarboe to approve and authorize the Commissioner President to sign the Budget Amendment and approve and sign the Ordinance for the Grant Program Close-Out Grant Award in the amount of \$496,000. Motion carried, 5-0.

COUNTY ADMINISTRATOR

1. Draft Agendas for March 15 and 22, 2005
2. **Walden/Sierra, Inc. and Marcey House**

Present: Dr. Kathleen O'Brien, Executive Director, Walden/Sierra, Inc.
Larry Harvey, Director, Marcey House

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Modification to the Memorandum of Understanding with the Alcohol and Drug Abuse Administration dated July 1, 2002; and, approve and authorize the Commissioner President to sign Budget Modification and related Budget Amendment in the amount of \$2,110 for Marcey House, and also to approve and authorize Commissioner President to sign Budget Amendment to restore the Board of County Commissioners' Reserve Account in the amount of \$2,110. Motion carried, 5-0.

3. **Walden/Sierra, Inc.**

Present: Dr. Kathleen O'Brien, Executive Director

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign State of Maryland Department of Human Resources Renewal Application Transmittal Page and Lobbying Certification for continued funding of the Rape Crisis Program, and to also to approve and authorize the Commissioner President to sign the State of Maryland Department of Human Resources Renewal Application Transmittal Page and Lobbying Certification for continued funding of the Domestic Violence Program. Motion carried, 5-0.

4. **Alcohol Beverage Board**

Present: Ally Babcock, Chair
Patsy Insley, Board Administrator

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$2,800 to cover training expenses. Motion carried, 5-0.

5. Real Property Manager

Present: Joyce Malone, Real Property Manager

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign Budget Amendment for Great Mills Apartments Flood Mitigation, Disaster # FEMA 1324-DR-MD. Motion carried, 5-0.

6. Department of Land Use and Growth Management

Present: Denis Canavan, Director
John Norris III, County Attorney

Commissioner Jarboe reported that he would abstain from the vote on this matter due to a conflict of interest. He stepped out of the meeting room during the vote.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President to sign Agreement to Transfer Development Rights to Bernard Bailey property. Commissioner Jarboe abstained from the vote; all others voted in favor of the motion. Motion carried, 4-0.

Commissioner Jarboe returned to the meeting at this time.

7. Recreation, Parks, and Community Services

Present: Phil Rollins, Director

- a. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Memorandum of Understanding and related Budget Amendment for \$30,000 in National Recreational Trails funding for Phase II of the Three Notch Trail. Motion carried, 5-0.**

Also Present: Lisa Bradford, President, Southern Maryland BMX, Inc.

- b. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the BMX group's request to use not more than \$20,000 in funding already appropriated for Chaptico Park to assist with the completion of the BMX track at Chaptico Park. Motion carried, 5-0.**

Mr. Rollins was asked to provide the address for the BMX track in Severn, Maryland, so that Commissioners might visit the establishment, in order to view the concrete blocks that provide chain barriers to the track when the track is not in use.

8. Department of Public Safety

Present: Patrick Walsh, Director

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$1,441 for the Maryland Institute for Emergency Medical Services Systems ALS Bi-Phasic Defibrillator Monitor grant. Motion carried, 5-0.

9. Finance Department

Present: Elaine Kramer, Chief Financial Officer

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign Resolution authorizing the County Administrator and Commissioner President to execute the necessary documents for a \$2 million exempt financing master lease. Motion carried, 5-0.

DEPARTMENTS OF RECREATION, PARKS & COMMUNITY SERVICES, LAND USE & GROWTH MANAGEMENT, AND ECONOMIC & COMMUNITY DEVELOPMENT: PRESENTATION OF PRELIMINARY DRAFT OF 2005 LAND PRESERVATION, PARKS & RECREATION PLAN

Present: Clive Graham, Senior Planner, Environmental Resources Management, Inc.

Phil Rollins, Director, Recreation, Parks, and Community Services
Denis Canavan, Director, Land Use and Growth Management
John Savich, Director, Department of Economic and Community

Development

Sue Vieth, Environmental Planner
Jeff Jackman, Senior Planner
Donna Sasscer, Agricultural Coordinator
Kathy Bailey, Administrative Coordinator

A preliminary draft of the 2005 Land Preservation, Parks, and Recreation Plan was presented and outlined in detail. The draft Plan is a planning document that is required by the state every five years in order to be eligible to receive Program Open Space funding. In previous years, the Plan focused primarily on recreation and parks needs; however, changes to the state guidelines for the 2005 Plan place equal emphasis on

recreation/parks, agriculture preservation, and natural resource conservation. Once adopted, the Plan becomes part of the County's Comprehensive Plan.

After discussion and input from the Board of County Commissioners, it was determined that staff should submit the draft Plan to the state for review and input and continue moving forward with the process.

GEORGE C. HOPKINS, JR. SCHOLARSHIP PARTICIPANTS

Students from Chopticon High School, Great Mills High School, and Leonardtown High School presented artwork and were provided commendations in honor of their receipt of the George C. Hopkins, Jr. Scholarship Awards.

FINANCE DEPARTMENT – 2005 BOND SALE

Present: Elaine Kramer, Chief Financial Officer
Sam Ketterman, Davenport & Co., LLP, Financial Advisor
Jim Cumbie, Venable LLC, Bond Counsel

It was reported by Ms. Kramer, Mr. Ketterman, and Mr. Cumbie, that the St. Mary's County Consolidated Public Improvement Bonds of 2005 were locked in by awarding the sale to the lowest of seven bidders, Legg Mason Wood Walker, Inc., at a rate of 3.943243%.

COMMISSIONERS' TIME

Commissioner Dement

Reported that although the weather proved to be uncooperative, the March for Meals on Wheels occurred this morning.

Attended the Tsunami Fundraising event that was held at Great Mills High School last Saturday. The event was sponsored by the Maryland Center for Family Advocates and the Three Oaks Shelter. As there was not enough auction participation, the auction will be rescheduled at another time.

Reported that many of the Commissioners attended a press conference that was held on Monday by the NAACP due to hate crimes that have occurred in the County recently. There was a large turnout, with numerous agencies and community leaders present, expressing their support and committing to work together to remedy these types of problems in St. Mary's County.

Commissioner Mattingly

Reported that he asked staff to present a couple of letters for signature by Commissioners – one regarding a request from Special Olympics to submit a letter to members of the

Appropriations Committee from our region asking that they consider looking into placing money back into the budget for Special Olympics, which has previously been deleted from the budget. In addition, Donna Sasscer was asked to put together a letter to the federal level asking for funding to be reinstated for conservation easement trust.

Commissioner Jarboe

Reported that a letter came to Commissioners from Southern Maryland Resource Conservation and Development, Inc. that outlined efforts of RC&D and the good work they are doing. Asked staff to provide a letter to the Chairman and Ranking Members of the Agriculture Appropriations Subcommittee asking that \$72.2 million be provided to the USDA's Natural Resources Conservation Service, RC&D, to keep them on track toward their goal of full funding and nationwide coverage.

Commissioner Raley

No comments at this time.

Commissioner President McKay

Reported that the Critical Areas Commission had three items that were approved last week, all involving St. Mary's College.

Reported that a budget work session would take place this afternoon, and that an evening public forum would be held tonight at 6:30 p.m. at the 7th District Volunteer Fire Department. Citizens were urged to attend the public forum.

The Board of County Commissioners conducted an afternoon budget work session.

Donna Gebicke transcribed the remaining meeting minutes:

PUBLIC FORUM – 7TH DISTRICT VOLUNTEER FIRE DEPARTMENT, 21660 COLTON'S POINT ROAD, AVENUE, MARYLAND

Staff Present: Denis Canavan, Director, Land Use and Growth Management
Patrick Walsh, Director, Department of Public Safety
Jennifer Fabbicante, Public Information Officer
Mark Curtis, Public Information Office
Donna Gebicke, Recorder

Commissioner President McKay opened the Public Forum at 6:40 p.m.

Public Comments:

Mary Summers, Burch Manor, 39019 Tanglewood Ct., Mechanicsville

My biggest concern is the Sheriff's Department. We have lots of juveniles speeding in our neighborhood and there is drug activity. We never see a Sheriff's officer unless its 10 am. Our streets are blocked with kids after 3 and in the evening.

Earnest Fritz, 38180 Beach Road, Coltons Point

Speed limits on the point - - there are lots of young kids – this is a big safety issue. Used to have speed bumps on Beach Road and Charles Hall Road, but they were taken out years ago. We have been told that the County has done a lot of speed surveys, but we just want to get speed bumps back on Charles Hall Road and the speed limit lowered. Dept. of Public Works told us that the cost of speed bumps is just too high.

Jim Putnam, P.O. Box 21, 20276 Park Place, Colton's Point

(The following is a summary of Mr. Putnam's comments. Written copies of his complete testimony are available in the office of the Board of County Commissioners.) Regarding an administrative matter: Citizens should not have to search for government offices. Staff at the government center should be able to help citizens and not direct them to other far-away offices. A complaint was filed five months ago regarding septic systems, drainage systems and health and safety of our homes affected by water drainage. I am still waiting for corrective action by Public Works. Development pressure has reached our community. What we want is a reasoned and thought out approach to achieving any changes by protecting the quality of life, the endangered wetlands, and the historical nature of the point. These are my recommendations:

Instruct Public Works to clean out, repair and replace or install necessary ditches and drainpipes to allow natural, unobstructed runoff and drainage.

Instruct Public Works and other appropriate agencies to conduct an Environmental Preservation Campaign promoting an effective balance of wetlands, environmental and quality of life concerns to include:

- Clean up and repair drainage ditches
- Clean out public right-of-way including property reserved for roads but not currently in use.
- One-time removal of abandoned vehicles, boats and trailers
- Designate two days a week when Recycling transfer station will accept debris from neighborhood clean up
- Designate one day in the spring and one in fall for a debris cleaning neighborhood bonfire party in a central location such as the vacant land behind the museum
- Establish a Youth Conservation Corps summer employment program to provide teen jobs and training in environmental issues in cooperation with St. Mary's College.
- Secure a one-time environmental clean up grant from state or federal environmental sources to pump out all septic systems over five years old
- Ban new building permits until wildlife, environmental and quality of life issues have been met. Until that time allow for one for one building replacement which will encourage the improvement of housing stock and maximizing land use through rehabilitation, renovation and expansion.

- Use open space, farmland or wetlands preservation funds to acquire undeveloped wetland lots and parcels of property in the Point.
- Instruct Health Department to conduct quarterly tests of water and soil samples from public access areas, standing ground water and aquifers for environmental contamination.

Don O'Neal, 45895 Dogwood Lane, Great Mills, President of the St. Mary's County Retirees Association.

Retirees 65 and older have experienced a 5% increase in insurance costs. If over 65, funded at 57 1/2% - each retiree will save \$10 per month. These retirees were my mentors. They have dedicated their lives and worked in segregated system and then denied healthcare when they retired. These 70 and 80 year olds could not be here tonight. They don't drive and are on fixed incomes. Charles County pays 75% healthcare for employee and family. Calvert pays 75% for the employee. I have asked to 55-60%. The Commissioners say they support education, but we still need \$25,000 to get to the \$60,000 needed to take care of the retirees in their old age.

Leroy Williams, 22755 Maddox Rd., Bushwood

I read with interest comments from Commissioner President McKay regarding the cost of students per school year and how we were 22 out of 24 counties. Comments sounded arbitrary - - bumping from 22 to mid range. Would like to see some substance to these remarks. Cost does not necessarily mean better. A report from the State of Nebraska said that \$300-\$400 per year and their scores also rate high consistently. What will we be getting for such a huge bump? Do we have a long-range plan for waste management other than trucking it out? It may be more cost effective to have a plant here. How are we doing on recycling? Doesn't trash hauling out of county place a toll on roads?

Sam Brown, 21682 Cryer Road, Avenue, member of the Recreation and Parks Board

Updating of the 7th District Park is included in the FY06 Budget (\$600,000). This includes funds for new playground, basketball court and restrooms. Want to thank the Commissioners for being concerned about the citizens of the 7th District.

ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator

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