

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, March 30, 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
Donna Gebicke, Administrative Assistant (Recorder)
Kate Mauck, Senior Administrative Coordinator (Recorder)

The following minutes were transcribed by Kate Mauck:

CALL TO ORDER

The meeting was called to order at 9:15 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Dement moved, seconded by Commissioner Mattingly, 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 Tuesday, March 23, 2004. Motion carried.

RETIREMENT – DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION

Present: Robert W. Huntington, Retiree
Robert Cooper, Highway Manager

Mr. Robert Huntington was presented with a proclamation and a lighthouse/seal plaque in honor of his retirement from the Department of Public Works and Transportation.

PROCLAMATIONS

The following proclamations were presented by the Board of County Commissioners:

- Public Health Week – April 5-11, 2004
- Women's History Month – April, 2004
- National Boys and Girls Club Week – March 29-April 2, 2004

An announcement was made inviting the public to the Grand Opening and Open House ceremony at the Carver Recreation center in Lexington Park on Thursday, April 1, 2004, from 4:00 p.m. to 7:00 p.m. The event will be held in celebration of National Boys and Girls Clubs Week, and will be hosted by the Department of Recreation and Parks and the Boys & Girls Clubs of Southern Maryland.

COUNTY ADMINISTRATOR

1. Draft Agendas for April 6 and April 8, 2004
2. **Department of Economic and Community Development**

Present: John Savich, Director

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Budget Amendment (\$2,600) from County's Reserves to Department of Economic and Community Development's Postage Account. Motion carried.

3. Office of Community Services

Present: Walt Biscoe

Approve and authorize the Commissioner President to sign five (5) Budget Amendments reflecting an increase to the Grant Reserves in the amount of \$266,000 due to the grants not being received as approved in the FY04 budget. Motion carried.

4. Department of Public Works and Transportation

Present: George Erichsen, Director
Denis Canavan, Director, Land Use and Growth Management
John Norris III, County Attorney

a. Public Works Agreement Addendum for Southwoods PUD Subdivision, Phase 1. *Located in the 8th Election District with an expiration date of March 1, 2005. The bond provided by the Developers Surety & Indemnity Company in the amount of \$341,200 remains as posted based on the Department's inspection report dated March 4, 2004. The Public Works Agreement and Bond in the amount of \$341,200 were originally issued on August 6, 1999. The road included in this agreement is: Baywoods Road (2,273').*

b. Public Works Agreement Addendum for Southwoods PUD Subdivision, Phase 2. *Located in the 8th Election District with an expiration date of March 1, 2005. The bond provided by the Developers Surety & Indemnity Company in the amount of \$361,800 remains as posted based on the Department's inspection report dated March 4, 2004.*

The Public Works Agreement and Bond in the amount of \$361,800 were originally issued on August 5, 1999. The roads included in this agreement are: Birds Eye Court (652'), Arum Place (137'), Caraway Place 122'), Dayflower Place (236'), and Fox Den Court (667').

c. Public Works Agreement Addendum for Southwoods PUD Subdivision, Phase 3. *Located in the 8th Election District with an expiration date of April 1, 2005. The bond provided by the Developers Surety & Indemnity Company in the amount of \$163,500 remains as posted based on the Department's inspection report dated March 4, 2004. The Public Works Agreement and Bond in the amount of \$163,500 were originally issued on February 5, 2002. The roads*

included in this agreement are: Primrose Place (200'), Hawkbit Court (600'), and Sundew Place (113').

- d. Public Works Agreement Addendum for Bay Ridge Estates, Section 4. *Located in the 8th Election District with an expiration date of April 1, 2005. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$152,000 remains as posted based on the Department's inspection report dated February 3, 2004. The Public Works Agreement and Bond in the amount of \$343,600 were originally issued on May 2, 2002. The roads included in this agreement are: Bay Ridge Road (913'), Sawgrass Drive (498'), Ketch Court (845'), and Robert Eliff Place (250').*

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Public Works Addendums items a, b, c, and d. Motion carried.

5. Finance Department and Health Department

Present: Elaine Kramer, Director of Finance
Dr. William Icenhower, Director of Health Department

- a. **Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign document confirming the local budget (\$40,000) for mosquito control. Motion carried.**
- b. **Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the schedule for FY05 non-recurring excludable costs consistent with MSDE and State requirements and to sign the accompanying letter to Maryland State Department of Education. Motion carried.**

6. Appointment Letter – Boards, Committees, and Commissions

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and sign letter of appointment for the following appointee to a Board, Committee, and Commission. Motion carried.

Emergency Services Committee

George Kalnasy, Jr. – Leonardtown Volunteer Fire Department Representative

DECISION: PROPOSED AMENDMENT, GREENVIEW WEST ZPUD #03-145-001

Present: Denis Canavan, Director, Land Use and Growth Management

Mr. Canavan presented information to the Board of County Commissioners regarding the proposed amendment, Greenview West ZPUD #03-145-001. On February 24, 2004, a public hearing was conducted, with a continuance of the public hearing scheduled and conducted on March 16, 2004. No public comment was received after the final public hearing. Information regarding the Ordinance to be prepared for signature by the Board of County Commissioners was outlined. The amendment would convert approximately 15.86 acres of the commercial use component to residential and to change the residential density from 3.5 units to 3.7 units per acre.

Commissioner Raley moved, seconded by Commissioner Jarboe, the following:

“In the matter of ZPUD #03-145-001, Greenview West PUD proposed amendments to convert approximately 15.86 acres currently designated for commercial use to residential use, and to increase the Residential density from 3.5 dwelling units per acre to 3.7 units per acre to allow a total of 57 dwelling units, having found that the requested Major change as defined in Section 44.4.4 of the St. Mary's County Comprehensive Zoning is consistent with the intent of PUDs in general and is compatible with the surrounding development, the St. Mary's County Comprehensive Plan and the underlying RL zone as part of the Final plan approval, I move that we approve and direct staff to prepare an Ordinance that approves the proposed amendment, subject to the following conditions:

- 1. That the entire 3.1 acres running parallel to MD Route 237 as indicated on the attached development plan be dedicated and transferred to mitigate increased vehicular traffic at times of existing facility deficiencies that will or is reasonably expected to occur as a result of this amendment, without cost to the County or State, prior to any building permits being released as requested herein; and**
- 2. As per the attached Development Plan a setback/buffer will be provided; the end result being that the proposed residential lot lines will be approximately 35 feet from the curb of the future widening of Route 237 and that the combined buffer and the required 20 foot building restriction line will result in any residential units to be a minimum of 55 feet from the planned right-of-way for Route 237; and**
- 3. That the proposed residential development of the approximately 15.86 acres converted from commercial use to residential use be comprised of 38 single family units and 19 townhouse units; and**

4. That the following Single Family Detached building restriction lines will be maintained as following:

- a. 20 foot Rear building restriction line**
- b. 7.5 foot Side building restriction line**
- c. 15 foot Front building restriction line**

5. That the residential units within the approximately 15.86 acres converted from commercial use to residential use will be subject to covenants running with the land that unequivocally and without exception or variance prohibit fences, accessory buildings, sheds or the like to be constructed in the side yards to preserve in perpetuity, 15 foot between structures for fire safety.

6. That all plantings in the proposed buffer will be completed or bonded at 125% of the cost estimated by the Department of Land Use & Growth Management for the plantings to guarantee completion prior to the release of any Certificates of Occupancy within the approximately 15.86 acres converted from commercial use to residential use.”

Motion carried.

APPROVAL OF RECOMMENDED FY 2005 BUDGET FOR THE PUBLIC HEARING

Present: Elaine Kramer, Director of Finance
Jeannett Cudmore, Deputy Director of Finance

The Finance Department presented a recommended budget, including the estimate of revenues and appropriations for Fiscal Year 2004-2005.

The Board of County Commissioners directed that the Treasurer provide input on the recommended budget and that the College of Southern Maryland budget should be carefully analyzed to identify achievement levels and results, given the amount of funding.

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and sign the Recommended Budget for St. Mary’s County for Fiscal Year beginning July 1, 2004, and ending June 30, 2005, as represented by the detailed and fully itemized statement contained within the “Recommended Budget Document” dated March 30, 2004. Motion carried.

It was further determined that the Recommended Budget should be scheduled for a one-time public hearing on Thursday, April 29, 2004. Timeframes for citizens to sign up and speak on each specific major portion of the budget should be established, to include a final signup sheet which would allow citizens to speak on general budgetary topics.

PROPOSED ST. MARY'S COUNTY PUBLIC SCHOOL CONSTRUCTION TASK FORCE

Present: George Forrest, County Administrator
John Norris III, County Attorney
Bradley Clements, Chief Administrative Officer, St. Mary's County
Public Schools

Discussion took place concerning a March 19, 2004 letter from Delegate John Bohanan, Jr., as Chairman of the St. Mary's County Delegation. Delegate Bohanan outlined concerns regarding the adequacy of public school construction in Maryland, with particular emphasis on future capacity shortfalls in St. Mary's County. The letter asked for assistance from the Commissioners in the immediate creation of a Task Force to review the findings of the State and to develop recommendations for a local and State plan to address the issue.

Mr. Clements provided a detailed overview of the St. Mary's County Public School Capital Improvements Program for FY2005 through FY2010. Much discussion took place, and it was determined that future capacity needs were adequately covered by the Capital Improvements Program. The necessary State funding in order to meet the needs of the Program appeared to be the major missing element in order for a successful plan to move forward.

Mr. Forrest was asked to prepare a response letter to Delegate Bohanan outlining the procedural considerations for forming a task force, to indicate that a plan is in place, and to offer to host a meeting between the Delegation, the Board of Education, and the Board of County Commissioners, in order to go over the plan as well as the needs the plan addresses. The need for a task force could then be more thoroughly investigated and discussed.

COMMISSIONERS' TIME

Commissioner Mattingly

Expressed congratulations to Valley Lee Volunteer Fire Department & Rescue Squad on their 53rd Installation of Officers – many of the Commissioners attended this event, and they have done a great job this past year.

Testified with Friends and the Museum Board of Trustees on the bond bill for the Piney Point Lighthouse Museum.

Many of the Commissioners went to St. Mary's Hospital for Doctor's Day this morning.

Participated in a meeting recently with staff from Senators Milkulski and Sarbanes' offices and our folks from EDC on the Lexington Manor Project. They were well-received and gave good information – a representative was present from HUD and it was a fruitful meeting.

Commissioner Jarboe

Apologized for making it a little late to the Maryland Day Ceremony on Saturday.....came from a long line at Holy Angels Secret Heart for the seafood dinner, which was very well attended. Tourism appears to be doing well in the County, as many people were bused into the County for the delicious food served.

Commissioner Raley

Commissioners had three events on Saturday, and could not attend them all. There was a Black Tie Ball for the 4th Annual "Support the Children" event at the Immaculate Heart of Mary Hall in Lexington Park, the St. Mary's Ryken 2004 Spring Gala honoring "Pillars of the Community", which was a good affair and was well attended, and also the Installation of Officers event at the

Valley Lee Volunteer Fire Department & Rescue Squad, which was mentioned by Commissioner Mattingly.

On Sunday, Commissioners attended the Maryland Day Celebration. Thanked Lieutenant Governor Steele for attending and declared that it was a good event.

This morning, Commissioners attended Doctor's Day at St. Mary's Hospital – commended doctors for doing a great job.

Asked Mr. Forrest about the status of the update on compressed work schedule for County employees. Mr. Forrest explained that a department was trying out the process and that a final report would soon be submitted after a thorough investigation is completed.

Directed staff to ensure grass is put into the ground at the Lexington Park Library, as it is a prime time for this to happen.

Commissioner Dement

Apologized for being unable to attend many recent events, as his wife is back in the hospital.

Recognized Vince Coleman for receipt of his Eagle Scout award – was able to present an award to him.

Attended the Maryland Day event at St. Clement's Island.

Attended the Lexington Park Manor issue last week, along with others, and there are a lot of concerned people about this project.

Commissioner President McKay

Asked that prayers and thoughts be directed to all the ill people in the County, and especially for Shirley Dement, as she is still battling medical difficulties. All are looking forward to her coming home very soon.

Met with Captain Dane Swanson, Commanding Officer of Naval Air Station, Patuxent River on Friday. Captain Swanson would like for the County to be involved in the 2005 Air Show as he has some ideas on how the community can be involved in this event on a larger scale. The County will participate in discussions on this topic.

Asked that the newspaper not misrepresent the facts – stated that this Board did not block the appointment of Senator Roy Dyson to the St. Clement's Island Museum Board – his term had expired, and term limitations had been reached. Four people had reached term limitations – all were good citizens and worthy of reappointment; however, this Board could not break the rules and reappoint any of them.

The remaining meeting minutes were transcribed by Donna Gebicke:

METROPOLITAN COMMISSION: PROPOSED RESOLUTION RE LOANS FROM MDE FOR WASTEWATER CONSTRUCTION PROJECTS AND WATER PROJECT

Present: Steve King, Director, MetCom
Tom Russell, Deputy Director
Larry Petty, Grants Administrator
Robert Gant, Chair, MetCom
Frank Taylor, Commissioner
Julian Izydore, Commissioner
Jacquelyn Meiser, General Counsel, MetCom
Stewart Dian, Bond Counsel, MetCom

Mr. King presented a Resolution for approval and signature by the Board of County Commissioners pledging the “full faith and Credit” of St. Mary’s County towards three loans totaling \$7,600,000 from the Maryland Department of the Environment for two wastewater construction projects and one water project. Debt service on the loans will be paid through MetCom benefit assessment charges, water service charges, and sewer service charges. Mr. Russell described the three projects:

Wastewater Pumping Station Replacement

- Current two pumping stations need major repair. It is less expensive and more efficient to build one new station than to repair the old ones.
- Loan Resolution – nte \$1,000,000
- BPW Approval - \$976,000 Project Total
- Summary of New Fees/Charges to Repay Loan
 - New Service Charge Fee on 12K customers estimated @\$0.44/month/customer

Marlay-Taylor WRF Sludge Upgrade/Solids Handling

- Current facilities are inadequate to treat sludge at designed capacity of 6 million gallons
- Loan Resolution – nte \$4,750,000
- BPW Approval - \$4,712,200 Loan Amount; \$2,037,800 Debt Service Reserve; \$6,750,000 Project Total

- Summary of New Fees/Charges to Repay Loan
 - Pay from 5th District debt service reserve - \$320,000
 - Pay from 8th District debt service reserve - \$1,819,900
 - New Debt Service Fee for 8th District - \$3,259,900
 - Estimated @\$0.18/front foot/year on \$1.34/month/1/4 acre lot

Water Meter Installation

- All residential customers will be metered so state-mandated water audits can be conducted
- Loan Resolution – nte \$1,850,000
- BPW Approval - \$1,786, 200 Project Total
- Summary of New Fees/Charges to Repay Loan
 - New Service Charge Fee on 12K customers \$1,786,200 estimated @ \$1.06/month/customer

The Commissioners expressed concerns about the potential for fee increases to citizens as a result of these projects. Mr. King referred to the summary of New Fees/Charges to Repay Loans presented by Mr. Russell and indicated further that while there are no guarantees, MetCom expects revenues to cover the increased costs over the next year or two. Commissioner McKay recommended that MetCom be required to air their Board meetings on channel 12.

Commissioner Jarboe moved, seconded by Commissioner Raley, to direct MetCom to conduct the MetCom Board meetings either in Room 14 of the Governmental Center or another mutually agreed upon location to allow for meetings to be aired to the public on channel 12. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and sign the Resolution pledging Full Faith and Credit of St. Mary’s County towards three loans from the Maryland Department of the Environment for two wastewater construction projects and one water project, totaling \$7.6 million. Motion carried.

EXECUTIVE SESSION

Commissioner Dement moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss matters of Cost Estimates for Capital Projects and Property Acquisition, as provided for in Articles 24, Sections 4-210(a)10 and 4-210(a)11, respectively. Motion carried.

Cost Estimates for Capital Projects (to be subsequently placed through bidding process)

Present: Commissioner President Thomas F. McKay
 Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly
Commissioner Daniel H. Raley
George Forrest, County Administrator
John Norris, County Attorney
Steve King, Director, MetCom
Larry Petty, Grants Administrator, MetCom
Robert Gant, MetCom Chair
Frank Taylor, MetCom Commissioner
Jacquelyn Meiser, General Counsel, MetCom
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)10

Time Held: 2:50-4:05 p.m.

Action Taken: The Commissioners discussed cost estimates for potential capital projects to be subsequently placed through the bidding process.

Property Acquisition

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly
Commissioner Daniel H. Raley
George Forrest, County Administrator
John Norris, County Attorney
John Savich, Director, DECD
Joyce Malone, Real Property Manager
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 4:10-4:35 p.m.

Action Taken: The Commissioners discussed property acquisition matters.

Property Acquisition

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly
Commissioner Daniel H. Raley
George Forrest, County Administrator
John Norris, County Attorney
John Savich, Director, DECD
Robin Finnacom, Director, Lexington Park Plan
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 4:38-5:15 p.m.

Action Taken: The Commissioners discussed property acquisition matters.

ACTION FROM EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to research disposition of property issues as directed in Executive Session.

Commissioners Mattingly and Raley voted no. Motion carried 3-2.

Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to proceed with property acquisition as directed in Executive Session. Commissioner Mattingly voted no. Motion passed 4-1.

BUDGET WORK SESSION

The Commissioners conducted a Budget Work Session to discuss the proposed 5-year education funding plan.

ADJOURNMENT

The meeting adjourned at 7:05.

Minutes Approved by the
Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator
to the Board of County Commissioners