

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, September 13, 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)

Kate Mauck recorded the following minutes:

CALL TO ORDER

The meeting was called to order at 9:09 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 Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, August 30, 2005, as corrected. Motion carried, 5-0.

PROCLAMATIONS

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

- Lawrence Vallandingham – Retirement from the Sheriff's Department
- National Alcohol and Drug Addiction Recovery Month

ST. MARY'S COUNTY FAIR BOARD INVITATION

Mr. John Roberts, of the St. Mary's County Fair Board, invited the Board of County Commissioners and all citizens to attend the St. Mary's County Fair, which will be held on September 22-25, 2005.

ST. MARY'S COUNTY LIBRARY BOARD: UPDATE ON SERVICES AND PRESENTATION OF NEWLY REPRINTED "300 YEARS OF BLACK COOKING IN ST. MARY'S COUNTY"

Present: Kathleen Reif, Director

Joan Marsh, Library Board

Everlyn Holland, Library Board

Ms. Reif outlined statistical data on the increase in the use of libraries throughout the County, as well as the increase in library cards issued to citizens. In addition, she provided an update on services to citizens and invited the public to visit the Lexington Park Library, which is now open on Sunday afternoons. Members of the Library Board unveiled the newly reprinted book entitled, "300 Years of Black Cooking in St. Mary's County." Copies of the book were presented to the Commissioners and Mr. Forrest and will be available for sale at all local libraries.

COUNTY ADMINISTRATOR

1. Draft Agenda for September 20 and 27, 2005

2. Community Services Division, Department of Recreation, Parks & Community Services

Present: Cynthia Brown, Community Services Division Manager

Laura Joyce, Executive Director, Southern Maryland Center for Family Advocacy

Commissioner Mattingly moved, seconded by Commissioner Dement, to accept the conditions of the Edward Byrne Memorial Justice Assistance grant award and authorize the Commissioner President to sign the Grant Award form, and further move that prior to implementation of this grant, including disbursement of any funds, the County shall execute a sub-recipient agreement with the Center for Women's Advocacy. Staff is directed to draft such agreement for approval by the Board of County Commissioners and the Center, and return to this table as soon as possible. This shall not delay the Board's acceptance of the grant award. Motion carried, 5-0.

3. College of Southern Maryland

Present: Michelle Goodwin, Executive Director of Advancement

Heidi Dudderar, Deputy County Attorney

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Memorandum of Understanding that establishes a St. Mary's County Government Endowment Fund and a St. Mary's County Government Scholarship Fund at the College of Southern Maryland, and related Budget Amendment in the amount of \$50,000. Motion carried, 5-0.

4. Health Department

Present: Joyce Sapp, Fiscal Officer

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Proposed Budget for St. Mary's County Mosquito Control for Calendar Year 2005. Motion carried, 5-0.

Commissioner Mattingly asked Ms. Sapp to have Mr. Calvano find out if stormwater management ponds are treated as part of the mosquito control program and to let citizens know this information since many citizens ask about this. Commissioner President McKay suggested that a program be put in place so that owners of stormwater management ponds and/or associations could sign up to have their ponds treated each year, and, of course, the owners would pay the cost for this service.

5. Department of Aging

Present: Jennie Page, Deputy Director

Julie Van Orden, Manager, Home & Community Services

Peggy Maio, Fiscal Supervisor

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Applications for Renewal and Management Plan for Ripple Center. Motion carried, 5-0.

6. Department of Public Works and Transportation

Present: George Erichsen, Director

a. Public Works Agreement for the Wildewood Subdivision, Dahlia Park. *Located in the **8th Election District** with an expiration date of October 1, 2006. The Bond provided by the Lexon Insurance Company in the amount of \$956,200. The roads included in this agreement are: Tallwood Road (1,064'), Dahlia Drive (1,404'), Dianthus Court (135'), Camelia Street-Extended (386'), Camelia Street (812'), and Canna Court (1,098').*

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Public Works Agreement for the Wildewood Subdivision, Dahlia Park, located in the 8th Election District. Motion carried, 5-0.

b. Public Works Agreement Addendum for the Hickory Hills Subdivision, Phase 3D. *Located in the **8th Election District** with an expiration date of August 1, 2006. The Letter of Credit provided by the Bank of America in the amount of \$196,200 remains as posted based on the Department's Inspection Report dated July 13, 2005. The Public Works Agreement and*

Letter of Credit in the amount of \$196,200 were originally issued on October 4, 2001. The road included in this agreement is: Amber Drive Extension (957).

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Public works Agreement Addendum for the Hickory Hills Subdivision, Phase 3D, located in the 8th Election District. Motion carried, 5-0.

c. Public Works Agreement Addendum for the Willow Woods Subdivision, Section 1. Located in the 8th Election District with an expiration date of August 1, 2006. The Letter of Credit provided by the Mercantile Southern Maryland Bank in the amount of \$351,000 has been reduced to \$284,320 based on the Department's Inspection Report dated July 7, 2005. The Public Works Agreement and Letter of Credit in the amount of \$826,500 were originally issued on August 31, 1998. The roads included in this agreement are: Ricky's Place (617'), Willows Drive (856'), Robert Leon Drive (1,688'), Sandalwood Street (1,260'), and Cabo Place (215').

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Public Works Agreement Addendum for the Willow Woods Subdivision, Section 1, located in the 8th Election District. Motion carried, 5-0.

Also Present for item f: John B. Norris, III, County Attorney

d. Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve, accept, and authorize the Commissioner President to sign the Sight Distance Easement Agreement from Gilbert F. James, Jr. and Sharon M. James to the County. Motion carried, 5-0.

7. Finance Department

Present: Elaine Kramer, Chief Financial Officer

Jeannett Cudmore, Deputy Finance Director

Also Present for item a: Erin Shoemaker, Fiscal Manager, Sheriff's Department

a. Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$18,000 to realign the remaining exempt financing funds from the FY 2005 Solid Waste Equipment Replacement Project to the Sheriff's Equipment Replacement Project. Commissioner President McKay and Commissioner Raley voted against the motion; all others voted in favor. Motion carried, 3-2.

Commissioner Dement stepped out of the meeting at this time.

b. Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign four Budget Amendments to restore the FIBOCC Reserve, establish the FIN06 Reserve, and decrease the remaining balance of FIN05 Reserve. Motion carried, 4-0.

Commissioner Dement returned to the meeting at this time.

8. Finance Department and Department of Economic & Community Development

Present: Elaine Kramer, Chief Financial Officer

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment transferring \$199,603 in unspent funds in Fiscal Year 2005 for Lexington Manor North Administration and Relocation to the County's Emergency Appropriation Reserve Account. Motion carried, 5-0.

9. Department of Recreation, Parks, and Community Services

Present: Phil Rollins, Director

Elaine Kramer, Chief Financial Officer

a&b: Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$923 to close out a portion of the Forest Landing Project, and to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$532 to close out the St. Inigoes Public Landing Project. Motion carried, 5-0.

c. Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$12,870 to decrease revenues and expenses for the FY 2004 Derelict Boat and Debris Removal Grant Project. Motion carried, 5-0.

d. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$4,475 to decrease the revenues and expenses for the Portable Toilet/Disposal Service Grant Project and to increase the unallocated grant reserve accounts. Motion carried, 5-0.

Commissioner President McKay asked Mr. Rollins to look into working with the State Highway Administration to consider placing a portable rest stop on the way to Point Lookout State Park.

e. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment to realign revenues/accounts to increase State Funding by \$99,000 for the Wicomico Shores Public Landing Project and reduce the amount of County Transfer Tax by \$99,000. Motion carried, 5-0.

f. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment to realign revenues/accounts to increase State Funding by \$99,000 for the Wicomico Shores Pier Replacement Project, to reduce the amount of County Bond Proceeds by \$78,583, and reduce the Transfer Tax by \$20,417. Motion carried, 5-0.

g. Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Budget Amendment to close out a portion of the Countywide Maintenance Project to free up State Waterway Improvement Funds to cover a shortfall of \$26,030 in the CIP Fund for the Piney Point Stone Revetment Project. Motion carried, 5-0.

h. Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$26,030 to transfer funds from the Capital Reserve Account to the Piney Point Public Landing Project PL0502. Motion carried, 5-0.

i. Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign FY06 Abandoned Boat and Debris Removal Waterway Improvement Fund Application and Project Agreement and related Budget Amendment in the amount of \$15,000. Motion carried, 5-0.

Donna Gebicke recorded the following meeting minutes:

MARYLAND GEOLOGICAL SURVEY

Present: Emery Cleaves, Director,

David Bolton, Hydrogeology Program Chief

David Drummond, Hydrogeologist, Project Chief

Results of a four-year study, "Water-Supply Potential of the Coastal Plain Aquifers in Calvert, Charles and St. Mary's Counties, with Emphasis on the Upper Patapsco and Lower Patapsco Aquifers," were presented to the Board. Included in the presentation were pumpage scenarios, results of models at critical locations, and consequences of declining groundwater levels.

According to the study, projected water demand in St. Mary's County through 2030 could be met by increased pumpage in the Aquia aquifer (without shifting withdrawals to deeper aquifers) without reducing water levels below the 80% water management level. Shifting a portion of public supply withdrawals from the Aquia aquifer to the Upper Patapsco aquifer would result in an increase in available drawdown in the Aquia aquifer in many areas of the counties, with minimal effects on drawdown in the outcrop area in Charles County. The complete, final report will be published early in 2006.

SOLID WASTE ADVISORY COMMITTEE (SWAC) 2004 ANNUAL REPORT

Present: Clare Whitbeck, Chairman

Richard Tarr, Solid Waste Manager

Ms. Whitbeck presented the SWAC Annual Report for 2004. The Committee updated the Comprehensive Solid Waste and Recycling Management Plan. The County reported a 24% recycling rate and a 1% Source Reduction Rate for CY2003, which equates to an overall Waste Diversion Rate of 25% -- an increase of 4% as compared to CY2001. These statistics represent an upward trend in the amount of solid waste generated, as well as the number of customers served. In addition, the numbers indicate a greater awareness and participation in the amount of materials being recycled by citizens. Citizens who have trash pick-up by private contractors who do not recycle were asked to bring their recyclables to the convenience centers. An electronic recyclables program is in the process of being established that will supplement the service Smartco provides. The Department of Public Works is looking into the possibility of using bio diesel fuel for their equipment. Anyone interested in obtaining information on bio diesel suppliers can contact the Department. A new seasonal schedule for Convenience Center hours was initiated in July 2004 that provides for extended week-night hours in the summer.

The Commissioners asked the Solid Waste Advisory Committee to: look into the issue of a transfer station in St. Mary's County vs. continuing to use the transfer facility in Calvert County (Calvert is currently considering whether or not to expand its facility) and provide recommendations for discussion by the Board; review the Exclusion Zone in the Solid Waste Plan to determine whether the statistics that went into the creation of the plan are still valid; and look into the need for a rubble landfill in St. Mary's County. Commissioner Raley indicated that the hours of operation for the Convenience Centers in the northern part of the County and at St. Andrews facility seem to be working well, but asked that the Committee look into statistics for Valley Lee and Ridge centers.

COMMISSIONERS' TIME

Commissioner Jarboe

Invite the public to join us for a Public Meeting tonight at 6:30 pm at the Hollywood Recreation Center.

Commissioner Raley

I was out of the County this week and want to apologize for missing events. Happy Birthday to my mother.

Commissioner Dement

Attended the United Way Silver Anniversary Dinner, and Ribbon Cutting to kick off Sunday Library service. Happy Birthday wishes to Joyce Young and Darlene Lynam. Also attended the SMECO Annual Meeting. Congratulations to Joe Stone and George Purnell Frederick who were re-elected to the SMECO Board of Directors.

Commissioner Mattingly

Congratulations to the newly-elected board members and thanks also to SMECO for stepping up to the plate by sending crews to help with Hurricane Katrina relief efforts. The Patuxent Naval Air Show was a fantastic event once again, with exceptional performances by the Blue Angels and other groups. Attended Annual 9/11 Recognition Ceremony with Commissioner McKay and County staff at the flagpole in front of the

Governmental Center. The ceremony was nicely done – thanks to all those employees who participated. Attended a ground-breaking ceremony in Annapolis for fallen fire fighters memorial for those who have died in the line of duty. Bob Kelly will be updating the Board later in the meeting on the coordination of Hurricane Katrina relief. Staff has a done a good job on this effort.

Commissioner McKay

A belated Happy Birthday to Commissioner Mattingly whose birthday was September 6.

Commissioner Mattingly and I joined staff for a presentation to the Rural Legacy Advisory Committee on the County's proposed Mattapan Rural Legacy Area. Staff did an excellent job and the proposal appeared to be well-received. Congratulations to United Way on their 25th Silver Anniversary. They do a lot and donate to many causes in our County. Many County employees participate in United Way programs. Thanks to

George Forrest and other staff for the work you do to help that organization. Commissioner Dement and I accepted an award on behalf of County staff for their contributions.

PATUXENT RIVER NAVAL AIR MUSEUM ASSOCIATION (PRNAM): PRESENTATION OF OPERATING BUDGET

Present: RADM L.L. (Gus) Eggert, President

Gene Townsend, Treasurer and other Association members

RADM Eggert presented the Draft Operating Budget for the new Patuxent River Naval Air Museum building and requested acceptance of a letter of credit.

Commissioner Raley moved, seconded by Commissioner Jarboe, to accept a letter of credit in the amount of \$550,000 to satisfy PRNAM's obligations under paragraph 15 of the Memorandum of Understanding dated July 18, 2000, and amendments thereto. Motion carried 5-0.

DEPARTMENT OF RECREATION, PARKS & COMMUNITY SERVICES: YOUNG DRIVERS

Present: Jackie Beckman, Highway Safety Coordinator

Ms. Beckman provided the Board with data on young driver crashes, injuries and fatalities in St. Mary' County, along with information on established and developing prevention and education programs for parents, the public at-large and young drivers.

PUBLIC HEARING REGARDING AMENDMENT OF THE SENIOR TAX CREDIT

Present: John B. Norris, III, County Attorney

The Commissioners conducted a public hearing to consider modification to the existing Ordinance 2004-03 that provided for a Real Property Tax credit for all seniors in St. Mary's County. The public hearing was duly advertised in a newspaper of general circulation in St. Mary's County on September 2 and 9, 2005.

The enabling legislation from the state for Ordinance 2004-03 does not define the term "limited income," a provision added by the state that was not requested by the County. The County Treasurer has determined that she may not implement the Ordinance without modification to include a limitation upon eligibility requirements comparable to that included in state law. The Board of County Commissioners directed staff to prepare a draft amendment to the Ordinance for consideration at this public hearing that would carry forward the Commissioner's original intent to provide a meaningful property tax credit for Senior Citizens. County Attorney John Norris reviewed the modifications included in the draft, amended Ordinance, including: "limited income" means a gross income, as defined in Section 9-104 of the Tax Property Article of the Annotated Code of Maryland, that does not exceed \$80,000.

Mr. Norris explained that the "gross income" definition -- as opposed to using the bottom line or "taxable net income" figure on the tax forms -- proposed in the amended Ordinance differed from the direction given by the Board at their last meeting. This is because the "taxable income" term is not recognized or defined anywhere in the tax property article. The "gross income" definition in the Annotated Code is consistent with state code for how limited income is defined for the purpose of granting a credit.

Because state law has now required proof of "limited income," credit is not automatically renewing, the amended Ordinance includes a requirement for application each year to qualify for the credit for the subsequent year. Also included in the amended Ordinance is the ability to make application for the tax credit through 12/31/05 -- making FY 2005 (last July 20-June 30th) the base year for applications and provides for a credit to be given when taxes are already paid. Taxes must be paid by October 1, 2005.

Mr. Norris added that the draft Ordinance is staff's first attempt at capturing the intention of the original Ordinance and is not meant to represent the Board's final thoughts on the matter.

The hearing was opened for public testimony, with the following individuals speaking:

Clare Whitbeck, 40502 Port Place, Leonardtown, speaking of behalf of Senior Coalition

You provided a good Ordinance last year. It was simple, but now it is so complicated. It will cost the County more money to help citizens fill out the application than it will save. We feel you should use the *taxable* income from the previous year. We recognize that the state legislature has required that you set a limit, but please be reasonable. Need to clarify "joint" or "individual" income. Maintain first base year following a lapse in application. Work with us to get the three-year trial period extended or removed all together.

Kathleen Fean, 37740 Charlotte Hall Road

I am unhappy with increase in tax when I thought it was frozen. Please work with us. I live ¼ mile from Charles County where my friend lives. Her taxes were decreased without her having to do anything. Which tax form are you referring to -- state or federal?

Mary Ruth Horton, 44173 St. Andrews Lane, California (Commission on Aging Chair)

This is truly a need for seniors. The tax credit is needed to keep our good citizens in St. Mary's County. Please work to get it implemented as soon as possible.

Clarke Bennett, 44038 Fieldstone Way, California

On behalf of the Wildewood Retirement Village Homeowners Association. ¾ of our homeowners are over the age of 70. We are acutely aware of the escalation of property tax assessments. Once you reach 70, this is a new high maintenance part of your life, while at the same time, your income is limited. We want to encourage seniors to come to the County because they save the County money by not requiring education for children, etc. Reaching the age of 70 should be enough to qualify you for the credit. Criteria should not be based on annual adjusted income, but on *taxable* income. \$80,000 may be too low. The median cost of home is over \$300,000. If you can afford these prices, you must have an income of over \$80,000. We recommend that the upper limit be based on *taxable* income and that the limit be raised to at least \$100,000.

Cathy Thompson, Wildewood Retirement Village

I had to give up my home a long time ago and now live in an apartment, but still pay \$1,483 in taxes. My "net" is what I live on. Pay \$123/month in real estate taxes, \$200/month in hospitalization. I'm hurting. Have same expenses as others. We need relief. I was born and raised in St. Mary's County and I want to stay. You should do something to help us stay in the County.

Janet Tippet, 45389 Tippet Road, Hollywood

Long-time member of NARFE. I live in one of 10 houses on land that was originally my husband's grandfather's farm. They can be traced back to the Ark and the Dove. The house has a waterfront view, but was built over 30 years ago, and I could not afford it now. We typify the retired federal employee. We enjoy a "comfortable" income, not an affluent one. We need clarity on what "average" income is and where/when/how to apply for the credit. What we hope is that you will use *taxable* income.

Pat Meyers, Mechanicsville

Remove the sunset clause. If we receive credit now and it is taken away later, we will have to save for the increase that will come when it is taken away. Consider maximum allowable income. When we went to Annapolis to justify the tax credit, we provided the legislature with a lot of reasons why it should be adopted. There is a misconception out there. This credit only impacts the County portion of taxes. Seniors don't ask for services. We want to help family members not have to pay for our care and to stay in the County and be able to maintain our homes and have a better quality of life. Use *taxable* income after deductions. NARFE is here to work with you. Give the utmost value that you can.

John Szarejko, 18195 River Road, Tall Timbers

I have been retired since 1985 and know that the cost of living has been eroded by both administrations. Now federal mandates have filtered down to the states and on to the communities. Currently, 60% of counties have no federal tax at all and some corporations pay no federal tax or have their money off-shore. This all filters down to us. I am unable to do maintenance on my home. I could move to get relief, but prefer to stay in the County. We deserve a break.

Helen Anthony, Wildewood Retirement Center

Many of the residents in the Wildewood Retirement Village feel the real estate taxes on our one and two- bedroom apartments are much higher than they should be. We own only the inside of our apartments (walls, ceiling, floor), plus a very small portion of the common area. Other residents in St. Mary's County who own decent homes in nice areas with good-sized yards (1 or 2 acres) are taxed around \$1900 or \$2000, while our taxes are around \$1500 for a one-bedroom unit and \$1700 for a two-bedroom unit. We understand a 5-10% increase due to location, but it still seems way out-of-line. We wonder, is it due to the fact that we are senior citizens and it is often felt that we are not as sharp as other citizens and perhaps don't realize we are being over-taxed? -- we certainly hope not. We are willing to pay our fair share, but no more.

George Edwards, 45920 Wild Rose Lane, California

I have been watching this process since last year. When you originally submitted to the state, were you aware that one county in Maryland capped their tax for seniors without any limits? (Carroll Co.) There are many counties in the U.S. that offer breaks to seniors. \$80,000 is very low. This amount may not be adequate in a year or so. It is a relative number - - proper for some, not for others. Mr. Norris made it complicated. Use taxable income from our state tax return.

Sam Disclafani, 38819 Dr. Johnson Road,

What everyone is saying is true. If you have a mind to run again, consider what the people want and hear what these people are saying. Delaying this credit is chasing seniors out of the County. I have lost many friends from St. Mary's County because of the cost of living here. You have delayed way too long. Give these people a break. If you can't get along with people in Annapolis, bring them down here to the table and we will talk to them. \$80,000 is bunk. It means nothing until you get to the bottom line. You don't need a limit. Get with these people and do something constructive. Keep them in the County - - the only way is to give them a break on their taxes. We want to stay here -- don't throw us out.

Robert Jarboe, Leonardtown

Are we trying to find a way to say "no?" The Ordinance says "may." You can do whatever you want as long as it is for those over 70. Get it done.

Minnie Russell, 16477 Dunbar Lane, Ridge

If you want to keep it simple - - 70. I inherited property on the water and I don't want to have to sell it, but it may be a necessity. But, you have to have more than 40 acres to sell a portion. What are the choices? Bills are exceeding income - - pay tax bill or get . . . out. I have reservations about the fact that if I do sell a piece of property, then my income may exceed the "limit." The question should just be: "Are you 70?" "Yes, and say amen."

Commissioner Raley

The \$80,000 figure was picked to get the process moving and was open for adjustment after the public hearing. We have a Commissioner form of government, which means that we can only pass legislation if we have enabling legislation from the state.

Jan Norris, County Treasurer

I am not the taxing authority for St. Mary's County. I would be in violation of the law and my oath of office. It is not my decision the way law came down from Annapolis. In my letter to the Board I included an application for existing Homeowner's Tax Credit offered by the state. That credit is based on income and tax amount and is available to all citizens regardless of age. There is also the County Senior Homeowner's Tax Credit that gives matching funds up to the total tax bill for any senior over 70 who receives the Homeowners tax credit from the state. The maximum gross income for this credit is \$29,670 for County residents. There is also a maximum value of \$150,000 of assessed value that may be considered in calculating those eligible for credit. We need to clarify that the cap will only be on the County portion of the bill and what it will mean to individuals -- lowest rate 5%, value \$50 per County portion of tax bill, first half wouldn't even qualify. Other counties have raised their income limits and maximum assessments. Proceed with asking legislators to increase our limits with that credit.

Minnie Russell, 16477 Dunbar Lane, Ridge

First thing to do is to get out your worksheets and make sure you are paying for what you have - you are entitled to worksheets free of charge once a year.

Sam Disclafani

Thanks for having us. We appreciate what you are doing.

Commissioner McKay announced that the public hearing would be continued at 6:30 pm at the Hollywood Recreation Center for additional testimony. The written, public comment period will remain open for ten days.

HURRICANE KATRINA RELIEF EFFORTS: UPDATE

Present: Bob Kelly, IT Director and Acting Public Safety Director

Cynthia Brown, Community Services Manager, Department of Recreation, Parks &

Community Services

Operations

Mr. Kelly updated the Board on the hurricane relief efforts of citizens, volunteers and local government. The County should feel proud of the response of first responders and all of the organizations helping in the relief effort. A website providing daily updates has been established. A meeting was held at the Emergency Operations Center of all allied agencies, including representatives from Public Safety, Housing, Walden/Sierra, Community Services, Red Cross of Southern Maryland, Office on Aging, Health Department, Steny Hoyer's office, Social Services, St. Mary's Hospital, as well as Commissioner Thomas Mattingly, Delegate John Bohanan, and County Administrator George Forrest. All of these groups came together to determine how we could share information and resources and respond as efficiently and timely as possible. The St. Mary's County Guide to Emergency

Preparedness (already completed) will be ready for mailing to citizens by the end of September. We will continue to monitor the track of Hurricane Ophelia.

Services

Ms. Brown reported that her office has compiled an impressive list of service providers. The Emergency Management Agency is doing an excellent job of distributing information daily. Red Cross is requesting cash donations so that they can meet the most immediate, critical needs. Community Services Division is assisting with fundraisers and is fielding a large number of phone calls. We are in touch with Charles County Government to determine whether it is feasible for St. Mary's County to utilize a resolution similar to the one they used to establish a tornado disaster relief fund. Citizen response to hurricane relief efforts has been fantastic. We will work to channel these good intentions to help the most people in the best possible way. The focus was initially on immediate needs, but discussions have already turned to long-term needs.

Commissioner Jarboe reported that Ms. Lumpkins at Take it Easy Ranch has offered 200 pad sites with water and electricity for FEMA supplied trailers.

VOTE TO GO INTO EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Raley, to enter into Executive Session to discuss matters of Personnel and Litigation, as provided for in Article 24, Sections 4-210(a) 1 and 8, respectively. Commissioner Mattingly abstained from the vote to enter into Executive Session for the purpose of Litigation discussions and will abstain from the Litigation portion of the Executive Session. Motion carried, 4-0, with one abstention.

EXECUTIVE SESSION

Litigation

Present: Commissioner Thomas F. McKay, President

Not in attendance: Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Not in attendance: Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

John Norris, County Attorney

Elaine Kramer, Chief Financial Officer

Carol Gallagher, Procurement Manager

Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 5:07 pm – 5:19 pm

Action Taken: The Commissioners discussed litigation matter.

Personnel

Present: Commissioner Thomas F. McKay, President

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

John Norris, County Attorney

Sue Sabo, Human Resources Director

Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 5:21 pm – 6:06 pm

Action Taken: The Commissioners discussed personnel matters.

Kate Mauck recorded the remaining meeting minutes:

Commissioner Dement was absent from the remaining portion of the meeting.

PUBLIC HEARING CONTINUANCE REGARDING AMENDMENT OF THE SENIOR TAX CREDIT

Present: Jennie Page, Interim Director, Department of Aging

John B. Norris, III, County Attorney

Phil Rollins, Director, Department of Recreation, Parks, and Community Services

Arthur Shepherd, Department of Recreation, Parks, and Community Services

Denis Canavan, Director, Land Use and Growth Management

Jan Norris, County Treasurer

Dr. William Icenhower, Health Officer

Public Information Office Staff

A continuance of the public hearing regarding an Amendment of the Senior Tax Credit was held at the Hollywood Recreation Center, located at 24400 Mervell Dean Road. The continuance was announced at the public hearing conducted earlier in the day at the Governmental Center.

Commissioner President McKay opened the continuance of the public hearing for citizens to speak, with the following public testimony:

Thomas Williams – 37990 Mohawk – Asked for an update on the matter of the amendment to the Ordinance, how to apply, and what the parameters are, as well as whether both individuals living in the same household would have to have reached their 70th birthdays. Commissioner President McKay provided the information requested.

Jan Norris, County Treasurer – Stated that the due date on property taxes is September 30th, and encouraged citizens to pay on time, outlining the repercussions involved if they do not. Also outlined the application process, and asked citizens to come into the Treasurer's office after October 1st, when the paperwork will be ready. Reminded citizens that they will have to apply every year, provide income documentation each and every year, and that they would need to apply this year as the base year.

Bernie Beavan, Leonardtown, MD – Reported that he heard conflicting reports at the public hearing this afternoon regarding everyone over the age of 70 receiving the tax credit, versus young people struggling to make ends meet, versus many wealthy senior citizens that can easily pay their taxes. Indicated that young people who struggle should not be expected to pick up the taxes for those seniors that can well afford to make the payment.

George Edwards, California, MD – Stated that the county needs to set a number that is high enough for people to receive the benefit, and if the state legislators feel that number is too high, then deal with it when they come back to the county with the issue. The county should take care of those seniors who deserve a break. Believes the state was remiss when they put in the wording "of limited income", and that the Commissioners just need to make an educated guess and move forward.

Roy Wetsell, Chancellors Run Road – Stated that he will not be 70 years of age for a few years, and the median amount of income as the base in income needs to be adjusted yearly as needed.

As there were no other citizens present to speak regarding this matter, the Commissioner President closed the public hearing. The record will remain open for ten days for the submission of written public comment, and will then be placed on an agenda for discussion and a final decision.

PUBLIC FORUM

Commissioner President McKay opened the evening public forum for public comment, with the following individuals speaking:

Machele McAllister, 40895 Lark Way, Leonardtown – Outlined "Gateway to Leonardtown" beautification and Route 5 Corridor expansion needs, and presented a pictorial display. Provided written documentation for the record. Asked Commissioners to work with the State Highway Administration to develop aesthetic changes that would provide a notable and enticing gateway into the Town of Leonardtown. Would like to see streetscape improvements, such as has been done in Lexington Park, with brick medians, nice curbs, landscaping development, etc. Has worked with Commissioner Mattingly, Robin Finnacom, and others, and thanked them for their efforts toward this goal. Provided a partial list of supporters of the effort, including several businesses in Leonardtown.

Linda Carlson, 22580 Brentmore Place, Leonardtown – Spoke regarding the "Gateway to Leonardtown" effort, stating that money is needed from the State Highway Administration in order to provide the landscaping and beautification that would be pleasing to visitors to the county.

Commissioner Mattingly reported that he has met with Ms. McAllister and Ms. Carlson regarding the "Gateway to Leonardtown" request, and is in full support of this effort. He has met with Laschelle Miller, Town Administrator of Leonardtown, as well as Robin Finnacom, and folks from Breton Bay. Reported that the State Highway Administration will be coming to meet with these individuals later this month regarding the improvement efforts that have been discussed. In addition to the desire for beautification, the need for safety is of very high concern. Reported that the Town of Leonardtown is pleased with the attention given toward this effort, and would like to see the improvements made and the road expansion to go forward.

Bernie Goddard, 23480 Leonardtown Road - Referring to rising tax bills, asked if the county could allow incremental payments, instead of having to pay the bill all at one time. Ms. Norris, the County Treasurer responded, explaining why this would not work well for everyone. She further outlined semi-annual or principal residence issues, and reported that the matter discussed was being talked about in the legislature, but nothing has been determined. In addition, Mr. Goddard reported that he has seen several Sheriff's as well as County Government vehicles parked at businesses outside

the county and/or traveling outside of the county. Stated that local businesses should be utilized, and the staff should not be purchasing items from hardware stores or any other businesses located in other counties, when there are plenty of businesses locally that could provide whatever is necessary. In particular, was frustrated with Sheriff's deputies that were using vehicles outside the county.

Commissioner President McKay stated that comments by Mr. Bernie Goddard regarding Sheriff's vehicles that are parked and/or on the roads outside of St. Mary's County and appear to be utilized for personal use, will be forwarded to the Sheriff's Department, so they can look into the matter. In addition, Commissioner McKay stated that the matter of County Governmental vehicles use would be double-checked. He further explained the procurement process to Mr. Goddard, outlining the use of local business, when the cost is the best available.

Sherry Malson, Shannon Street, Hickory Hills North, Great Mills – Outlined problems with Liberty Builders regarding the subdivision in which she lives. She has been in close contact with the Department of Land Use and Growth Management as well as the Department of Public Works and Transportation, and also Commissioner Dement. Her home is on Shannon Street, which is off of Amber. She outlined problems with water drainage and flooding in her yard and basement, sinkholes that have not been repaired, dirt on the streets which cause dust problems due to passing vehicles, and a portable toilet that she can view from her front door. Ms. Malson provided numerous photographs of the problem areas, and reported that the stormwater drainage has become a safety issue to children that visit her home.

Commissioner President McKay asked John Norris to speak with Ms. Malson regarding the problems with Liberty Builders in the Hickory Hills subdivision, and reported that staff, including George Erichsen, would work on resolving these matters, as the photographs do not look good, and staff will let her know what determinations are made. In addition, Denis Canavan reported that he has visited the property, knows the problems, and they are currently working on this matter.

George Edwards – Suggested that the presentation made earlier in the day by Ms. Jackie Beckman on the Young Driver Data and Prevention and Education Programs should be sent to all parents, in order to make them aware of the injuries and deaths to teenage drivers and passengers.

Donald Thompson, 35389 Golf Course Drive, Wicomico Shores – Outlined numerous safety problems with golf balls hitting homes and/or people. His home is located near the old 15th fairway. Outlined numerous meetings and/or telephone calls as well as site visits regarding the matter. Problems and/or options for fixing the problems included: damage to homes or structures, including photographs presented to some of the Commissioners at an earlier date, asking golf course officials to place larger numbers on golf carts, so that citizens can report the golf cart number when a problem occurs, great increase in incidents due to the order of holes, etc. Reported that Mr. Rollins told him that this is an operational issue and would not be addressed by the Wicomico Shore Golf Course Advisory Board. Asked for the county to get involved, and not just to listen. Safety is the important driving factor in having changes made. Reportedly spoke with two attorneys that both said that public safety always takes precedence in such matters. Mr. Thompson was once struck by a golf ball, which just missed hitting his young child. Reported on behalf of his neighbor, John Grabenstein, who lives next to the old 16th fairway, whose problems are very bad. He put up a row of 30-foot trees, but the balls go right through the trees, and he is about to remove them. Mr. Thompson has been advised to put up a net, which would cost between \$8,000 and \$9,000, but was told it would not fully resolve the problems.

Brent Coffey – 35399 Golf Course Drive, Wicomico Shores – Reported that the frequency increase and consistency of getting hit with golf balls is a major safety concern, especially for his family. No one is safe in his front yard, back yard, or in the street. The old 15th hole is not properly arranged, and he has suggested changes to the Golf Course Advisory Board on ways to quickly fix the problems, such as: enlarge the numbers on golf carts, reverse the course back to the original design, move up the tee and reduce to a par four course or perhaps a par five course. *Mr. Rollins was asked to provide follow up on these issues, to brief the Commissioners, and also to incorporate the Wicomico Shores Golf Course Advisory Board on the matters of concern, as they need to provide advice on these matters.*

Mr. Rollins responded to questions from the Commissioners regarding the matter, and stated that a golf course architect would be advising on the matter, and that changes on part of the course would adversely affect other parts of the course, but that resolution of the matter is already in the works.

Bernie Beavan, 42798 St. Andrews Church Road – Asked what happened to the direction by the Board of County Commissioners for the Department of Land Use and Growth Management to notify property owners when there is a plan to rezone their property. Mr. Canavan outlined the text amendment that is currently in the works. He reported that he is preparing the text amendment, with input being provided by the County Attorney on the matter.

Ann Gregory, 30055 Charlotte Hall Road – Outlined problems regarding Seymour's Junk Yard in Charlotte Hall that have gone on for more than a decade. Problems include fencing issues, lack of a mandatory masonry wall, lack of a properly sized 40-foot buffer, inadequate plants & destruction of

the minimal amount of plantings that were placed, an oil separator was installed but is not functional, etc. All these items were deemed mandatory due to a Board of Appeals ruling in the 1990's and Zoning Ordinance laws. After much discussion, the following motion was made:

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to ask staff to do an inspection as to the compliance with the Board of Appeals ruling and to report to the Board of County Commissioners within 30 days. The inspection should specifically include buffer construction and plantings, stormwater management, and filtering inspection. Motion carried, 4-0.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, for staff to prepare a letter to the Secretary of the Maryland Department of Environment requesting immediate inspection of the oil recycling yard (or whatever it is) and for a complete report to be provided to the Board of County Commissioners as soon as the report has been prepared, and to make the County aware of the date and time of the inspection so that someone from our County can be present at the inspection. Motion carried, 4-0.

Wendy Heidrich, Cat Creek Road, Mechanicsville – On behalf of the Newtowne Players in Lexington Park, invited the Commissioners and all citizens to attend a fundraising event for victims of Hurricane Katrina. The event will be held on Saturday, September 17th, and tickets will cost \$25. The venue will be small; however, Commissioner Jarboe will be performing, which will be a treat for all that attend. A representative from the American Red Cross will be in attendance to assist with information about the disaster relief fund.

Howard Thompson – Expressed his appreciation for the Commissioners' decision regarding Seymour's Junk Yard, stating that he was glad to see them take action. Expressed concern regarding the Transportation Plan; in particular, that he saw nothing about a light down Clarkes Landing Road. Asked the County to work with State Highways regarding this matter.

Minnie Russell, 16477 Dunbar Lane, Ridge – Outlined the following problems: 1) Receipt of tax bill that includes a Bay Restoration Fund fee. She and her sister own their mother's old home place, in which they do not reside, and she believes it is wrong for them to be charged when no one is living there. She knows of at least five others in the same predicament; 2) Asked whether the principal residences have been verified, and if not, then someone needs to get on this; 3) A school bus is driven past her home to pick up one student, apparently departing from Park Hall to Wynn Road, which she stated, is ridiculous, when at least two other buses go past there and could easily pick up the child; 4) Asked where the money goes for the \$6 per person charge for visitors to the Point Lookout State Park. The road is deplorable, and the money should go toward widening the road; 5) Trash barrels at public landings are not being emptied as required by contract. Outlined the lack of trash pick up in the barrel that she can see from her home, and numerous calls she has made reporting that it is not being picked up on the proper day as scheduled, if at all. She does not know if David Guyther has responded to this, but the contractors should not be paid if they are not doing their job, and a refund should be sought.

Commissioner Mattingly reported that the road widening to Point Lookout State Park is the #2 priority on the County's list to the State Highway Administration, that the project is in the design phase, and there are currently no construction funds. In addition, Commissioners reported that the Park cannot utilize fees toward funding road improvements. *Mr. Forrest was asked to have the employee that was hired to respond to questions regarding the Bay Restoration Fund (Laura Sutter) contact Ms. Russell in order to address her concerns regarding billing. In addition, Commissioners agreed to relay her concern regarding the bus route to the Board of Education.*

Clare Whitbeck, Cherry Cove – Regarding a silt fence that was installed to prevent run-off, asked for the County to consider a contract with MBIA to include a provision to ensure that silt fences are in the right place and are properly installed. It would be good if the silt fence could provide the protection that is intended. Expressed thanks for Mr. Canavan's response when dirt went around the silt fence near her property.

ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator