

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER

Tuesday, April 11, 2006

Present: Commissioner President Thomas F. McKay (absent from morning session)

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Risë Y. Carter, Administrative Assistant (Recorder)

The meeting was called to order at 11:10 am.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register as presented. Motion carried 4-0.

APPROVAL OF THE MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of April 3, 2006, as presented. Motion carried 4-0.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of April 4, 2006, as presented. Motion carried 4-0.

PROCLAMATION PRESENTATION (Presented by Commissioner Dement)

Present:

Maryland Chief's Challenge Campaign (Phil Rollins, Recreation , Parks, & , Community Services, Director; Jacqueline Beckman, CTSP Highway Safety Coordinator; Lt. Mike Merican and Cpl. Mark Clark, Sheriff's Office; Trooper McLane, Maryland State Police; Darlene Tustin, DNR Police; and Dr. William Icenhower, Health Office, St. Mary's Co. Health Dept.)

TO CONSIDER ADOPTION OF THE ST. MARY'S COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

Present: Tim Cameron, Director; Public Safety; Tim Bennett, Mgr. Emergency Management Division; Michelle Lilly, Emergency Planner.

On March 28, 2006 the Board of County Commissioners, along with the Department of Public Safety, conducted a Public Hearing to hear comments on the Hazard Mitigation Plan. The hearing was closed on April 6, 2006 with no public comments received. Today Mr. Cameron comes before the board to request that a

resolution be signed to approve and adopt this plan. Mr. Cameron also noted that the Town of Leonardtown issued a resolution yesterday, April 10, 2006, adopting the plan. If the Plan is approved, the County will be eligible for approximately \$782,000 in grant money for storm proofing some schools to be used as shelters and to purchase back-up generators. The grant requires a match. Public Safety is currently working with the Board of Education on purchasing the generators as an "in kind" match to the grant.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, that the Board of County Commissioners for St. Mary's County, approve and sign a Resolution for the purpose of adopting the SMC Multi-jurisdictional Hazard Mitigation Plan. Motion carried 4-0.

CONSIDER ADOPTION OF THE 2005 NATIONAL ELECTRIC CODE AS THE ST. MARY'S ELECTRICAL CODE

Present: Adam Knight, Code Coordinator, Land Use and Growth Management

The Commissioners held a Public Hearing on December 6, 2005 with no public comments received. The Electrical Examiners Board met January 3, February 7, and March 17 to review the comments from the Commissioners and recommended a few changes. Commissioner Mattingly requested of the Board, that if this code is adopted, that a Memorandum of Understanding (MOU) would be signed between Land Use and Growth Management and the Fire Board, granting in the event of a fire, the "officer in charge at a scene", the authority to disconnect the electric if needed.

Commissioner Jarboe moved, seconded by Commissioner Raley to adopt the 2005 National Electric Code and its subsequent revisions, along with amended local provisions, as the St. Mary's Electrical Code, with an effective date of May 1, 2006. Motion carried 4-0.

CONSIDER ADOPTION OF AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWERAGE PLAN FOR THE HUNTING CREEK HOUSING DEVELOPMENT (CWSP#05-132-039)

Present: Jeff Jackman, Senior Planner, Land Use and Growth Management

A Public Hearing was held March 28, 2006 with no public comments received. Mr. Jackman is requesting that the Board sign a Resolution to facilitate the Boards amending the Comprehensive Water and Sewage Plan. The Resolution would then be sent to Maryland Department of the Environment for final approval.

Commissioner Jarboe noted that he was unable to attend this Public Hearing, due to illness, but he has reviewed the minutes and documentation, and feels comfortable voting.

Commissioner Raley move, seconded by Commissioner Mattingly, regarding Case CWSP#05-132-039, Hunting Creek, that we move to amend the St. Mary's County Water and Sewage Plan, as recommended by the Planning Commission, to change the service

area category from W6S6 to W3D and S3D on 20.1 acres described as Hunting Creek, Tax Map 51, Grid 16, Parcel 433, in the Eighth Election District. Motion carried 4-0.

COMMISSIONER'S TIME

Commissioner Raley

Attended the Human Relation's Breakfast. He wishes a very Happy Easter to all.

Commissioner Mattingly

Attended the Human Relations Breakfast, Grand Opening Hill Top Graphics on Fenwick Street, St. Clements Volunteer Appreciation Dinner, Congressional Fire Institute Dinner in Washington, 7th District Fire Department Ladies Auxiliary State Meeting, *Tea Room* in Leonardtown, Hospice Run, and Dedication of a Parking Lot in the Town of Leonardtown.

Reminder: Easter egg Hunt will be held this Saturday on the grounds of the Governmental Center.

Commissioner Jarboe

Attended the Tree Planting Event at PAXNAS in honor of the Space Shuttle Columbia Astronauts who died.) He noted that, the Commissioners presented to the Navy a section of the Wye Oak, Maryland's largest and oldest White Oak tree. Thanked the kids from the Tech Center for all their hard work planting the trees this morning.

Wish to thank Capt. Bo Henry, Base Commander, for all his community service to St. Mary's County.

Commissioner Dement

Commissioner President McKay was not here for the morning because his daughter is receiving an award at St. Mary's Ryken this morning.

Attended the Retired and Senior Volunteer Program at the Tech Center last Tuesday. St. Clements Volunteer Appreciation Dinner Human Relations Breakfast. He apologized for being unable to attend the Hospice Run and the parking lot dedication.

Linda's Café in Leonardtown should be opening next week.

Announcements: St. Mary's County Government is closed on Good Friday, April 14, 2006. There will be no Board meeting next Tuesday. The Public Hearing for the budget will be held, April 25, 2006 at 6:30 p.m. at Great Mill High School. There will be a Public Hearing at 6:00 p.m. and a Public Forum at 6:30 p.m. at the Northern Senior Center.

(Commissioner President McKay joined the meeting)

U.S. NAVY UNMANNED AERIAL SYSTEMS, PAX RIVER NAS

Present: Capt. Paul Morgan, Program Mgr., Navy Unmanned Aerial Systems, Dave Seagle, Program Mgr., Global Hawk Maritime Demonstration.

The Board of County Commissioners received an update on the Global Hawk UAV Program via a Power Point Presentation which included pictures of the Global Hawk in action. This aircraft will be controlled and monitored from PAX River with fly opts beginning next week.

ST. MARY'S COUNTY HOMELESS PREVENTION BOARD

Present: Patricia Tyson, President; Lanny Lancaster, Director of Three Oaks; Robin Finnacom,

Executive Director, Community Development Corporation.

Many agencies work to form the Prevention Board: Local and State agencies, along with private non-profits, work together to continue to lower the number of people, who are homeless in our community. The Board noted many advances in dealing with our local homeless problem. However, they stressed the need for continued growth in the areas of: a) increased daycare assistance b) more affordable housing c) better jobs d) women's shelter.

COUNTY ADMINISTRATOR

1. **Draft Agenda for April 25 was presented.**

2. **County Administrator** (*George Forrest*)

Commissioner Mattingly moved, seconded by Commissioner Raley to approve and authorize Commissioner President to sign the employment contract for Colin Keohan, Deputy County Attorney. Motion carried 5-0.

3. **Department of Recreation, Parks, and Community Services** (*Phil D. Rollins, Director, RP&CS*)

(*Elaine Kramer, CFO*)

Commissioner Jarboe moved, seconded by Commissioner Dement to approve and authorize Commissioner President to sign the budget amendment to transfer funds from the Capital Reserve account to a new proposed project, RP0604 Park Land Acquisition. Motion carried 4-0. Commissioner Matting abstained.

(*Cynthia Brown; Rebecca Hill, VISTA Teen Court Coordinator*)

Commissioner Dement moved, seconded by Commissioner Mattingly to approve and authorize Commissioner President to sign the budget amendment that increases the FY06 National Youth Service Day project by \$250 to reflect receipt of the grant award. Motion carried 5-0.

(*Arthur Shepherd*)

Commissioner Raley moved, seconded by Commissioner Jarboe to approve and authorize Commissioner President to sign the FY2007 MD State Dept. of Education Summer Food Program Grant Application/Agreement in the amount of \$22,056, and related certifications and assurances. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Jarboe to approve and authorize Commissioner President to sign the budget amendment that increases the FY06 Highway Safety Grant project budget by \$15,000 to align budget to grant award modification. Motion carried 5-0.

4. **Department of Land Use and Growth Management** (*Denis D. Canavan, Director; Phil Shire,*

Planner, LUGM)

Commissioner Mattingly moved, seconded by Commissioner Raley to approve and authorize Commissioner President to sign the proposed instruments of final transfer for 88 Transferable

Development Rights (TDR's) for 44 additional lots in the RPD Zone: Case File #04-120-015, Grandview Haven Subdivision, Phase I, containing 111 lots, in accordance with Chapter 26 and schedule 32.1 of the Comprehensive Zoning Ordinance. Motioned carried 4-1. Commissioner Jarboe voted no.

5. Department of Aging (*Jennie Page, Acting Director*)

Commissioner Mattingly moved, seconded by Commissioner Dement to approve and sign Resolution authorizing the Director of the Department of Aging or the Director's Designee to execute the Contractual Agreement required under COMAR for a "staff physician" for the Medical Day Care Program, and the Memoranda of Understanding for the Retired and Senior Volunteers program, as listed in the Resolution. Motion carried 5-0.

(Julie Van Orden, Manager, Home & Community Services; Peggy Maio, Fiscal Supervisor)

Commissioner Dement moved, seconded by Commissioner Mattingly to approve and authorize Commissioner President to sign Memorandum of Understanding (MOU) between the Maryland Department of Health and Mental Hygiene and the St. Mary's County Department of Aging for Adult Day Care funding. Motion carried 5-0.

6. Department of Public Works & Transportation (*George A. Erichsen, Director, DPW&T*)

(Richard Tarr, Solid Waste Manager; Mary Ann Chasen, Executive Director, Christmas in April Program)

Commissioner Dement moved, seconded by Commission Raley to approve and sign a Resolution to waive landfill fees for 2006 Christmas in April project. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly to approve and authorize Commissioner President to sign Public Works Agreement Addendum for Greens Rest Farm Subdivision, Section 5, located in the 2nd Election District, with an expiration date of April 1, 2007. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe to approve and authorize Commissioner President to sign Public Works Agreement Addendum for Cecil's Mill Subdivision, Section 1, located in the 8th Election District, with an expiration date of April 1, 2007. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe to approve and authorize Commissioner President to sign the Public Works Agreement Addendum for Greenbrier Subdivision, Section 5 and 6, located in the 8th Election District, with an expiration date of April 1, 2007. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe to approve and authorize Commissioner President to sign the Public Works Agreement Addendum for Bay Ridge Estates Subdivision, Section 4, located in the 8th Election District, with an expiration date of April 1, 2007. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Jarboe approve and authorize Commissioner President to sign the Public Works Agreement Addendum for Southwoods PUD Subdivision, Phase 1 and 2, located in the 8th Election District, with an expiration date of March 1, 2007. And, to approve and authorize Commissioner President to sign Public Works Agreement Addendum for Southwoods PUD Subdivision, Phase 3, located in the 8th Election District, with an expiration date of April 1, 2007. Motion carried 5-0.

The meeting recessed and reconvened at the Northern Senior Center in Charlotte Hall for a public hearing and public forum.

(The following minutes were recorded by Donna Gebicke)

PUBLIC HEARING: Re Proposed Transfer of Approximately 3 acres Located in Chaptico Park (Tax Map 15, Parcel 9, 4th Election District) to the Mechanicsville Volunteer Fire Department

Present: Liz Passarelli, Real Property Manager

Willie Wilkerson, President, Mechanicsville Volunteer Fire Dept.

Larry Greenwell, Mechanicsville Volunteer Fire Department

Ms. Passarelli certified for the record that the public hearing was duly advertised in the St. Mary's Today newspaper on March 26 and April 2, 2006, and that the purpose of the hearing is to consider a proposal to transfer approximately 3 acres located in Chaptico Park to the Mechanicsville Volunteer Fire Department for a substation.

Larry Greenwell presented an alternate plan for the location of the proposed substation on the Chaptico Park property that brings the structure closer to Rt. 234, thus reducing the amount of practice fields that would be affected. The safety issues were addressed with a proposal to place two lights at the park entrance that would stop traffic both ways when the department goes out on calls.

Willie Wilkerson reviewed the reasons for requesting this property, which included: the long distance the department has to cover and the traffic on Mechanicsville Road that causes response time delays; last year there were 240 calls from the area that will be served by the new substation; and citizens living in this area should realize savings on their homeowner's insurance.

Commissioner McKay asked that the letter to the Commissioners from the Recreation and Parks Board regarding this proposal be made part of the public record for the hearing.

The hearing was opened for public comment at 6:14 pm. As there was no public comment, the hearing was closed at 6:16 p.m., but will remain open for ten days for written comments.

PUBLIC FORUM

The public forum was opened for public comments at 6:16 p.m., recessed at 6:20, and reconvened at 6:36 p.m.

Public Comments:

Gregory Hall, 46750 Planters Court, Lexington Park

My concerns are regarding a storm drain problem in my front yard that is also affecting my neighbors. The flow of storm water has flooded by basement and my neighbor's and fills areas in my yard each time it rains. My lot receives runoff from Williams Drive and surrounding area. I have been in communication with the Dept. of Public Works for over a year. They have come out several times, but there is still no permanent solution to

the problem. The area around the house continues to erode. A curb that was damaged by a snow plow was patched, but is falling apart. I was recently advised by DPW that it will cost \$15,000 to survey the area and put in a storm drain. This needs to be resolved. *Mr. Hall provided for the record copies of his email correspondence with DPW and photos of his yard depicting the flooded areas. Commissioner McKay asked Mr. Hall to speak with Mr. Forrest (who was in attendance) to get resolution of this problem.*

Patricia Myers, Mechanicsville

Request that you reconsider funding the part-time receptionist position for the Northern Senior Center. The Council and other senior volunteers have been very involved in getting the NSC built, providing assistance with operation of interim site, and funding a large amount of equipment and supplies for the new center (full list was read by

Ms. Myers). Seniors have made many donations, including the picnic tables donated by the Johnsons. We need assistance in handling the receptionist duties. There are 1200-1500 visitors to the center each month. We started with 40 volunteers serving as receptionist and are now down to 25, due to medical problems that come up, being involved in other activities and seniors finding themselves being spread too thin. We will continue to do all we can to assist, but request that you fund the 30 hour per week position. Our second concern is the need for a sign. The NSC has been open for a year and we still have nothing on the main road indicating that we exist. We tried to get added to the new sign for the Veteran's Home, but were too late. Request a sign out on the main road.

Dale Grace, Charlotte Hall

You might think that the section of hiker-biker trail being constructed through Charlotte Hall looks good at first glance, but it is going to end up being sub-standard drainage-wise. There is 2" of existing ground elevation in certain areas. The trail goes through wooded areas, crosses major highway, and travels through historic Charlotte Hall Village and private properties. I indicated from the beginning that I would support the project if it was designed and constructed in a manner that was attractive to the community and didn't detract from it. January 9th was my last meeting with the job supervisor Chris Bologna. As a result of the meeting, the direction of a cross slope has been changed away from the highway. This spring when the construction of the trail started happening, I waited for a call from the job supervisor before final grade for asphalt. I did not receive a call. I called and the response was that he didn't know they were filling to existing elevation and didn't know when they were paving. The grade of the trail is now higher than the county's design criteria. Commissioner Jarboe asked Mr. Rollins to call me. Mr. Rollins told me that grading was done and pavers are there, so there is nothing we can do. We are going to have to pave. Drainage is going to be a problem now. It shouldn't have happened this way. In my 37 years of construction with the state of Maryland, if I had talked to a customer or citizen the way

Chris Bologna did, the chief engineer would have fired me on the spot. This has soured me on the trail. I do hope it turns out well and is enjoyed by many, but problems have been caused by a lack of attention in this section.

Anne Gregory, Charlotte Hall Road, Charlotte Hall

Reminder: At the public forum in September 2005, the Board of County Commissioners gave an order to Denis Canavan to do an inspection of junk yard located next to her home. He had 30 days to submit a written report. On October 13, 2005, Mr. Canavan met with me at my house with inspectors who were in the process of doing their report. Mr. Canavan was supposed to finalize the report and then call me and Commissioner Mattingly to go over findings and then present them to the full Board. Where is the report?

Mr. Canavan responded that there is a report dated 12/5/05 that he will make available to Ms. Gregory and the Board and that there are questions that have been posed to the Maryland Dept. of the Environment which remain unanswered. Mr. Canavan agreed to set up a meeting with Commissioner Mattingly and Mrs. Gregory.

Mike Schwartz, owner of Mike's Bikes, Lexington Park

I have two items that are long overdue for action. Lexington Park has the most crime in the County and no full-time police station. There needs to be one that is open and staffed 24-7. Secondly, and even more important, is the need for a homeless center for women and children. I saw the article in the newspaper this winter about the homeless center for women and children in Hughesville. One center for all three counties is the same level of service we provide for dogs and cats. We are long overdue for a secure homeless shelter women and children -- it's a matter of honor as well. A society is judged on how well we take care of our most vulnerable people.

Jean Marie Hanson, Guidance Counselor with D.C. public schools

I support Mike's concerns. We need to act more quickly regarding the homeless and women's shelter and more financial support is needed for law enforcement so they can interact in a more positive way with citizens. Also, there is a lack of concern for pedestrians and bicyclists. Drivers pull up through the crosswalks and do not give pedestrians and cyclists the right of way. I am also concerned with the noise in Leonardtown, particularly around the hospital and nursing center. Street cleaners have agreed to delay starting until 5:30 a.m.

ADJOURNMENT

The meeting adjourned at 7:11 pm.

Minutes approved by the Board of County Commissioners on _____

Risë Y. Carter, Administrative Assistant