

**JOINT ST. MARY'S COUNTY-CHARLES COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING**

**North Point High School, Waldorf, Maryland**

**Tuesday, August 1, 2006**

Present for St. Mary's County: 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)

Present for Charles County: Commissioner President Wayne Cooper

Commissioner Robert J. Fuller

Commissioner Candice Quinn  
Kelly

Commissioner Allan R. Smith

Roy E. Hancock, Interim County  
Administrator

Victoria L. Greenfield, Deputy  
County Administrator

Denise Ferguson, Clerk

The joint meeting was called to order at 9:38 a.m.

**LANDFILL MEMORANDUM OF UNDERSTANDING**

St. Mary's County has been exporting its trash from its convenience centers to Calvert County's Appeal transfer station in Lusby. Calvert County is imposing a vehicle length restriction at the Appeal station which will eliminate St. Mary's 38-foot trailers and Calvert has advised St. Mary's to seek other alternatives. St. Mary's has until December 6, 2006, to either complete its own central transfer station or find another dumping site for its trash.

This turn of events has resulted in St. Mary's decision to design and construct a new transfer station in St. Mary's earlier than planned. Sufficient funds have been placed in St. Mary's current Capital Budget to

implement the transfer station operation. Richard Tarr, St. Mary's County Solid Waste Manager, updated the Commissioners on the design and construction process. The goal is to have the new transfer station operational by July 2007 on the St. Andrews Landfill site. In the meantime, other contingency plans are in the works. Mr. Tarr's office has opened negotiations to directly haul trash to a dump in King George County, Virginia.

The Commissioners discussed St. Mary's request of April 11, 2006, that Charles County allow St. Mary's to utilize their landfill as a disposal contingency if its new transfer station is not permitted and operational by the Calvert County deadline of December 2006. Recognizing that each County has disposal limitations, Commissioner Kelly (Charles) agreed to support St. Mary's request,

provided that all other remedies are exhausted first, and the same consideration be afforded Charles County, if needed. Commissioner President Cooper and Commissioner Fuller (Charles) also agreed to allow St. Mary's to utilize the Charles County Landfill as a disposal contingency.

### **TRI-COUNTY ANIMAL SHELTER, HUGHESVILLE**

Ed Tucker, Chief of Charles County Animal Control Service, provided a status report and update on current programs. The shelter is at capacity each day and no animals are turned away. Through a partnership with PetSmart Charities, the shelter's "Rescue Wagon" transports animals to other areas when necessary. Due to anticipated growth in both counties, there is a need to develop a five-year plan to ensure our ability to provide this important service in the future. Commissioner Kelly also expressed concern about the need to strengthen the animal control regulations.

The joint Boards agreed to direct their respective County Attorneys and other relative staff to work together on developing the most similar animal control regulations as possible. It was also suggested that the formula contained in the 1975 Agreement apportioning operations and maintenance costs to each County be reviewed to determine if the percentages are still appropriate.

Charles County agreed to provide its budget needs to St. Mary's County earlier in the year so that they may be considered in the yearly budget process.

### **EMERGENCY PREPAREDNESS AND MUTUAL AID**

A Mutual Aid Memorandum of Understanding exists among the three counties within police, fire, and rescue departments.

Don McGuire, Charles County Emergency Services Director, and Tim Cameron, Director, St. Mary's County Public Safety Department, reported that the three counties benefit from a close working relationship in all areas and have taken a regional approach with Homeland Security Funds. Charles and St. Mary's County Emergency Services/Public Safety Departments communicate frequently on many issues and continue to collaborate successfully on a number of projects and areas of mutual concern. Collaboration of Tri-County Homeland Security Committee continues; render safe program (Bomb Technician), evacuation routes, Haz-Mat teams, and response to emergency events in the southern region continue to be addressed regionally.

Charles County expressed concerns about the amount of mutual aid the east side of Charles County provides to St. Mary's County in Mechanicsville, and in particular, to Charlotte Hall and the Veterans Home.

Mr. Cameron acknowledged that Advanced and Basic Life Support in the north end of St. Mary's County is still a challenge. A Task Force has been established to address ways to increase the numbers of volunteers.

Commissioner Fuller (Charles) noted that there are also concerns about the number of calls to St. Mary's that are being taken on by Hughesville and Dentsville. Mr. Fuller asked that he be kept informed about the ongoing efforts to address these issues so that he can report back to the Charles County Board of Fire and Rescue.

*Commissioner Smith (Charles) joined the meeting at this time.*

Commissioner Smith stated that the bottom line is: we need to accept that volunteers can't do the job on their own due to the huge growth in the area and that our response times must be kept as minimal as possible.

Mr. McGuire noted that Charles County has had a good response from its recruitment ads in local movie theaters. Commissioner President McKay (Charles) suggested that Comcast would be a good source of advertisement for the Golden Beach and Charlotte Hall areas.

## **BROADBAND**

Victoria Greenfield, Deputy County Administrator for Charles County, reported that Charles County is looking at different options to provide broadband service. The challenge is bringing broadband to homes or small businesses, especially in the rural areas. Comcast and Verizon have broadband service, but it is still not available to all. We continue to work on getting the telecom providers interested in the less dense areas, but it is currently not part of their business plan.

Mr. Tudor, Tri County Council, reported that the state legislature approved the creation of a Broadband Cooperative. Advisory Councils have been established in each region to look at other broadband options, with the first meeting scheduled for August 31. The focus will be on a regional perspective for the three counties to access federal and state matching funds for specific broadband projects.

Charles County Commissioner President Cooper stated that it is imperative for future economic development that we bring broadband in through the efforts of the Tri County Council or through St. Mary's and Charles working together.

Commissioner Mattingly (St. Mary's) referred to proposed federal legislation that would remove the counties' ability to franchise and asked that all counties emphasize to the federal delegation what the impact would be on local jurisdictions.

Commissioner Smith (Charles) recommended that both counties consider laying fiber at the time roads are constructed, rather than digging them up later.

It was agreed to continue efforts to bring broadband to all areas of St. Mary's and Charles.

## **TOUR OF SCHOOL**

The Commissioners toured the new North Point High School complex.

## **PROCUREMENT**

St. Mary's and Charles Counties are members of the Southern Maryland Cooperative Purchasing Committee (Committee), along with Calvert County and their respective Boards of Education. The Committee has a written agreement with the state of Maryland to adhere to a standard set of procedures. The main goal is cost savings through volume purchases. Previously, the Committee tried bidding paper and janitorial supplies, but these were unsuccessful because of the frequent change in prices, varying specifications, and delivery requirements for each group. Until now, the only items that have shown to be

successful to bid as a group were gasoline and heating oil. A meeting is schedule for September to discuss bidding other items such as electricity and adding other entities such as the College of Southern Maryland, St. Mary's College and MetCom.

The Commissioners discussed ways to collaborate more effectively. Suggestions included: separate the governing bodies from the boards of education where appropriate and not require all parties to participate in each collective purchase; consider asphalt overlays as a collective bid, private/public partnerships for recreation centers; and use of Charles County's school construction prototype (when established) in other counties;

The Commissioners committed to making an effort to find ways to collaborate more effectively on procurement issues and agreed to direct their procurement representatives to work with the Committee to come up with a list of items to be considered for collective bid/purchase.

#### **ADJOURNMENT**

The Commissioners agreed to continue communicating and working together on issues of mutual concern. It was proposed that the next meeting take place in six months in St. Mary's County. Interim Charles County Administrator Roy Hancock agreed to coordinate the meeting.

The joint meeting adjourned at 12:54 pm. The St. Mary's County Commissioners returned to the Governmental Center in Leonardtown to continue meeting as the Board of County Commissioners for St. Mary's County.

### **ST. MARY'S COUNTY**

### **BOARD OF COUNTY COMMISSIONERS' MEETING**

### **GOVERNMENTAL CENTER**

**Tuesday, August 1, 2006**

**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

Betty Jean Pasko, Senior Admin. Coordinator (Recorder)

The meeting was called to order at 2:45 p.m.

## **ADDITIONS/DELETIONS TO AGENDA**

Added "Discussion on Storage of New Voting Machines" to the agenda.

## **APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register for checks dated 8/1/2006, as presented. Motion carried 5-0.**

## **APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of July 25, 2006, as presented. Motion carried 5-0.**

## **Proclamation: 23<sup>rd</sup> Annual National Night Out**

Present: Sheriff David Zylak

DFC Chad Hartzel

Lt. Mike Merican

Sgt. Andy Cusic

A proclamation designating August 1, 2006, as the 23rd Annual National Night Out was presented to Sheriff Zylak. National Night Out is a nationwide crime and drug prevention program supported by thousands of communities across the country. The Commissioners encouraged St. Mary's County citizens to join the Office of the Sheriff and the National Association of Town Watch in supporting this annual event.

## **COUNTY ADMINISTRATOR**

1. a. Draft Agenda for 8, 2006 (There will be no BOCC meeting on 8/15/06).

b. Mr. Forrest introduced the new Director of the Department of Aging, Lori Jennings-Harris.

2. **Department of Public Works and Transportation** (*George Erichsen, Director*)

**Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the nine Right-of-Entry Agreements for properties surrounding the St. Andrews and Clements landfills, so that the County can perform environmental sampling, as may be required, during the post-closure care period of both landfills. Motion carried 5-0.**

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the three Right-of-Entry Agreements for the Kessler, Burch, and Hills sites, in order to formalize debris management and burn sites. Motion carried 5-0.**

*(Jacqueline Fournier, Transportation Mgr.)*

**Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the FY2007 Memorandum of Agreements for Job Access I, II, III, and the corresponding Certificate Regarding Lobbying. Motion carried 5-0.**

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment to move funds from the Airport Improvements Project (PF0509) into the FIN07 Capital Reserve account in the amount of \$66,932. Motion carried 5-0.

3. Health Dept. & Dept. of Finance (*Elaine Kramer, CFO; Tracy Kubinec, Health Dept. Fiscal Officer*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the FY2007 Core Public Health Services Funding Agreement form. Motion carried 5-0.

4. Department of Recreation, Parks, and Community Services (*Cynthia Brown, RP&CS Community Services*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the Corporation for National and Community Service AmeriCorps\*VISTA Project application and related assurances and authorize staff to submit the application electronically through the AmeriCorps\*VISTA E-Grants System. Motion carried 5-0.

Commissioner's Time

**Commissioner Mattingly**

Attended the 90th Birthday party for Louise Bohle on Sunday.

Extended a Happy Birthday to his wife, Dennie.

**Commissioner Jarboe**

On Saturday, visited the new library parking lot in Charlotte Hall. Expressed positive comments regarding public use and traffic and that Public Works did a great job with the parking lot and landscaping. Thanked the Board of County Commissioners for their support.

**Commissioner Raley**

Attended the final concert of the River Concert Series at the St. Mary's College. Congratulated everyone for their hard work. On behalf of the Board of County Commissioners, presented them with a symbolic check in support of the County's commitment to eventually construct a permanent amphitheater.

On behalf of the Board of County Commissioners, presented a Proclamation to Mr. & Mrs. Dalton Wood in celebration of their 50th Wedding Anniversary.

Extended congratulations to his second grandchild, Isabella for her Baptism.

Extended a Happy Birthday to his wife, Ann.

**Commissioner Dement**

Attended the concert at the St. Mary's College on Friday and the 90th Birthday celebration for Louise Bohle.

**Commissioner McKay**

The Board of County Commissioners attended the services for U.S. Army Corporal

Matthew Wallace.

Asked staff to notify the Board what is needed to fix the significant air conditioning issues at the Three Notch Theater.

On Thursday, 8/3, Governor Erlich will be visiting St. Mary's County in the afternoon.

#### **Department of Land Use and Growth Management**

Present: Denis Canavan, Director, LU&GM

#### Discussion Re Transferable Development Rights (TDRs) Zoning Provisions

Mr. Canavan stated that the Department is prepared to move forward with the proposed revisions to the Zoning Ordinance regarding TDR provisions as presented at the Board's public hearing on July 18, 2006. However, if the Board wishes to have additional time to consider this complex legislation, the Department recommends a further extension of the time allowed under the Text Amendment Policy.

**Commissioner Raley moved, seconded by Commissioner Dement, with regards to the proposed Zoning Text Amendment concerning TDRs, that the (Text Amendment Policy) rules be waived so that further consideration can be given to the proposed amendments by the Board. Motion carried 3-1. Commissioner Jarboe, stating that he is prepared to vote on the proposal and voted against the motion. Commissioner Mattingly was absent for the vote.**

#### Decision on Proposed Comprehensive Water & Sewerage Plan Text Amendment to Remove the Term "facility" From the Ordinance

The Board of County Commissioners conducted a public hearing on this matter on July 11, 2006. Comments were received during the open record period in the form of a letter signed by

Linda Vallandingham and Robert Jarboe restating their support for the deletion of the word "facility."

**Commissioner Jarboe moved, seconded by Commissioner Dement, that the Comprehensive Water and Sewerage Plan be amended, as recommended by the Planning Commission, to remove the word "facility" from Sections 1.3.1 and 1.3.3 of the Zoning Ordinance. Motion carried 3-1. Citing concerns regarding the intent and clarification of why the word "facility" is being removed, Commissioner McKay voted against the motion. Commissioner Mattingly was absent for the vote.**

#### Decision on Proposed Zoning Ordinance Text Amendments Pertaining to Regulations Governing the Residential Clustering Provisions

The Board of County Commissioners held their public hearing on this proposal on July 11, 2006. No additional comments were received during the open comment period.

**Commissioner Raley moved, seconded by Commissioner Dement, to approve the proposed Zoning Ordinance Text Amendments to amend Section 32.1 to provide standards for cluster developments; to Section 51.3.10 to modify the requirements for Use Type 10, an attached dwelling unit; to Article 9 to revise the definition of cluster development; and also to Subdivision Ordinance Text Amendment to Article 5 to revise the definition of cluster development effective August 11, 2006. Motion carried 4-0. Commissioner Mattingly was absent for the vote.**

#### Decision on Proposed Zoning Ordinance Text Amendments to Set Residential Density Limits and the Means for Achieving Maximum Density in the Downtown Mixed Use (DMX) Zone

During the Board's July 18, 2006, discussion of the proposed text amendments, direction was given to staff to make modifications to the draft amendments for the DMX zone.

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the proposed amendments to the St. Mary's County Comprehensive Zoning Ordinance as recommended by the Planning Commission, amending Schedule 32.1, Development Standards, and Schedule 32.2, Modifications to Development Standards, to set at 20 dwelling units per acre the maximum density in a Downtown Mixed**

**Unit zone without requiring TDRs, and to clarify the options for achieving such as maximum density. Motion carried 4-0. Commissioner Mattingly was absent for the vote.**

Commissioner McKay stated that on Tuesday, August 8, there will be a joint Board of County Commissioners and Planning Commission Public Hearing at 6:30 pm at the Higher Education Center in California. The purpose will be to receive public testimony on the Zoning Text Amendments and Comprehensive Zoning to implement the Lexington Park Develop Plan.

**Discussion on Storage of New Voting Machines**

Present: George Erichsen, Director, DPW&T

Liz Passarelli, Real Property Manager

Sue Campbell, WAN Administrator, IT

Catherine Countiss, Director, Board of Elections

Mr. Erichsen advised that Ms. Passarelli learned this past Friday that the 85-90 "E-Books" and 30 additional Diebold voting machines will be arriving in the next two weeks and that the current storage space in the Leonardtown Library is not adequate to store, test and provide training space for the machines.

Staff's recommendation is to move the machines currently housed at the Leonardtown Library and locate the newly arriving machines at the old Carver Elementary School. The old Carver School site allows space to store, test, operate and provide training for all of the machines, provides required IT connectivity, and security. The cost to prepare the building to receive the machines is estimated at \$25,000. Diebold currently pays rent to the County for storage space at the Leonardtown Library. This lease expires November 2006. Diebold will be notified of the move, and Ms. Passarelli does not expect this to be a problem for Diebold. Ms. Countiss stated that the machines currently stored at the Leonardtown Library must be moved to the old Carver School site prior to

August 14.

The Commissioners also discussed the need for repairs to the air conditioning system at the old Lexington Park Library which currently houses the Three Notch Theater (Newtowne).

**Commissioner Raley moved, seconded by Commissioner Jarboe, to direct staff to: start immediately effecting the transfer of existing machines at the Leonardtown Library to move them to the old Carver site; have the Carver site readied for the new machines coming in from the state; use those funds in PF0310, Critical Maintenance and Repair Project, for that site to be ready; and to also purchase a new refrigeration compressor for the Newtowne (Three Notch Theater). Motion carried 4-0. Commissioner Mattingly was absent for the vote.**

**ADJOURNMENT**

The meeting adjourned at 4:30 PM.

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

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Betty Jean Pasko, Senior Administrative Coordinator