

ST. MARY'S COUNTY

BOARD OF COUNTY COMMISSIONERS' MEETING

Governmental Center

Tuesday, August 19, 2003

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 to BOCC (Recorder)

CALL TO ORDER

The meeting was called to order at 9:06 a.m.

SOUTHERN MARYLAND ELECTRIC COOPERATIVE (SMECO) PRESENTATION

SMECO representatives George Allen Hayden and Herbie Smith presented the Commissioners with a check in the amount of \$10,064.83 for the county's 2003 Capital Credits refund.

APPROVAL OF CHECK REGISTER

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the Check Register. Commissioner McKay abstained from the vote. Motion carried.

APPROVAL OF MINUTES

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, August 5, 2003, as amended. Motion carried.

**2003 MARYLAND ASSOCIATION OF COUNTIES (MACO) SUMMER CONFERENCE:
AUGUST 13-16**

MACo represents all 23 Maryland counties and the jurisdiction of Baltimore and serves as the umbrella organization to bring the interests of the counties forward to the state. Staff who participated in the conference (George Forrest, Elaine Kramer, Denis Canavan,

Jennifer Fabbicante, Mark Stancliff and John Savich) highlighted topics of interest and incentives for attending, including: professional development; opportunities for networking, exchange of ideas and interaction with state agencies and county counterparts on common issues; enhancement of common base of knowledge of local government. Information gathered and contacts made enhanced the staff's ability to serve the citizens of St. Mary's County.

Commissioner Mattingly asked staff to contact MACo to offer an activity in St. Mary's County for the winter conference in Solomons and requested that every effort be made to have a display booth at future conferences.

COUNTY ADMINISTRATOR

1. Draft Agendas: August 26 and September 2, 2003

2. Commissioner Jarboe moved, seconded by Commissioner Mattingly, to accept Incentive Funds for the State's Attorney's Office and authorize Commissioner President to sign a Budget Amendment allocating the funds. Motion carried.

3. Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the Federal Annual Certification Report for the U.S. Department of Justice. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve an Incentive Program and policy change for the Sheriff's Office, Corrections Division, and authorize Commissioner President to sign the related Budget Amendment (\$16,000). Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Commissioner President to sign a statement authorizing the Office of the Sheriff, or his designee, to submit the FY03 Local Law Enforcement Block Grant Application and Award on-line through the U.S. Dept. of Justice. Motion carried.

4. Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and sign

a Resolution allowing the County Administrator to execute documents to finance the final amount due on the 911 contract (\$562,673.04), as well as approximately \$30,000 of 911 related equipment for Leonardtown and Mechanicsville Fire Departments and Lexington Park Rescue Squad as outlined in the budget submission. Motion carried.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign the Resolution realigning unspent proceeds from bonds sold (2001 issue). Motion carried.

5. Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize the

Department of Community Services to schedule a Supplemental Appropriation Hearing to add a \$500 contribution to the FY04 Budget. Motion carried.

6. Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner President to sign the DNR Waterway Improvement Fund Application/Project Agreement. Motion carried.

7. Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize

Commissioner President to sign the Option and Land Lease Agreement and Deed of Conservation Agreements for the AT&T Tower at the Oakville Transfer Station. Motion carried.

The Commissioners did not authorize Commissioner President to sign the Option and Land Lease Agreement, Deed of Conservation Agreements, and site plans for the AT&T Tower at the Dorsey Park site. Staff was directed to refer this item to the Airport Advisory Committee for their recommendation and to further ensure that this agreement would not negatively impact the airport.

8. Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and

sign the MOU with MEMA for FY03 State Domestic Preparedness Personnel Supplementation Program Grant and approve one additional full-time grant employee for FY04. Motion carried. It was clarified that COLA is built into this grant. A Public Hearing will be scheduled for 8/26/03 to add these funds to the FY04 approved budget.

Commissioner Mattingly announced that the Board provided \$15,000 in the FY04 budget for educational opportunities for Fire and Rescue volunteers. Phil Cooper, Acting EMA Director, and Michael Barnette, Chair of the Emergency Services Committee reviewed the selection process. This year, each department and squad had an equal share of the funds. Scholarships will be made available to 20 volunteers. Guidelines for next year's scholarship program will be presented to the Commissioners for their review at a later date.

9. The Director of Human Resources presented the Commissioners with staff reclassifications

for their consideration.

Commissioner Raley moved, seconded by Commissioner Dement, to approve the reclassification of Office of the Sheriff's Senior Office Specialist, Grade 3 position, to a Senior Classification Specialist, Grade 3 position. Motion carried.

The Commissioners directed staff to provide the Board with additional information on the other reclassification requests, including specific justifications and list of additional duties for the positions.

MARCEY HOUSE ANNUAL REPORT

Present: Larry Harvey, Director

Tyrone Harris, Chairman

Board members: John Tidball, Jack Duchesne, Edward Kerns, and Bob Richardson

Mr. Harvey presented the Marcey House Board of Directors Annual Report for 2002. Marcey House has been providing residential treatment services for recovering substance abusers since 1989. The facility has 15 beds, with the capacity to treat six females and nine males. Significant activities and accomplishments over the past year included:

- A total of 397 intake referrals were received for admissions
- 38 participants were served, 68% of which were diagnosed not only with a chemical dependency problem, but also mental health disorders and/or dual diagnosis requiring enhanced substance abuse treatment. 21 of those residents were from the tri-county area of the southern region, 12 were residents of St. Mary's County. An average waiting list of four persons was maintained.
- 17 participants completing essential phases of their treatment plan of which 12 (71%) were successfully discharged with an average length of stay of 6.46 months. All participants who completed the program obtained employment, transition to independent living and not further incident of re-arrest and/or criminal behavior while in treatment (75% of clients are legally involved)
- Secured additional funding resources from the Administration to control cost demonstrating fiscal soundness.
- Held successful 9th annual fundraiser event.
- Identified and applied for new initiative to provide service enhancements through the ADAA Substance Abuse Treatment Outcome Partnerships (S.T.O.P.) grant to provide funding for the treatment of those diagnosed with co-occurring disorders.

COUNTY ADMINISTRATOR (continued)

8. Commissioner Dement moved, seconded by Commissioner Jarboe to authorize

Commissioner President to sign Temporary Easement Agreement from John, Richard, Mary and Janet Whitlow, for the purpose of reconstructing and improving the sidewalk along Tulagi Place. Motion carried.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign Public Works Agreements for Willow Creek of Wildewood (Willow Creek Road and Willow Creek Court) and Goldsborough Rest Subdivision (Goldsborough Place). Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President to sign Public Works Agreement Addenda for Meadow Lake Subdivision, Phase 2 (*Foxtail Place, Goldenrod Drive, and Columbine Place*); Meadow Lake Subdivision, Phase 3 (*Foxglove Place, Heather Street, Cosmos Court, and Blue Sage Place*); Newton Manor Subdivision, Section 1

(Griffin Drive, Mary Beth Court and Charity Court); and Hanover @ Breton Bay Subdivision (Hanover Drive, Hanover Court, Hanover Woods Court, Orchard Court, and Barn Court). Motion carried.

11. Transportation Tour Discussion (*George Forrest, George Erichsen*)

The Commissioners discussed transportation issues and priorities for discussion at the Sept. 8th pre-tour meeting in Hughesville and ultimately at the formal State Transportation "Tour" scheduled for September 16. *Staff was directed to prepare a letter to the SHA indicating the following priorities for St. Mary's County:*

1. *MD Rt. 237 – Chancellors Run Road*
2. *MD Route 5 – Point Lookout Road (redesign-indicate current direction is excessive, scale down.)*
3. *Point Lookout Road from MD Rt. 243 to MD Rt. 245 (Leonardtown)*
4. *MD Rt. 246 – Great Mills Road (maintenance and long-term project)*

Letter will also address: Rt. 235 safety concerns; the fact that the County is looking at Pegg Road extension as an alternative to Rt. 235, and reference to the Master Plan. Mr. Erichsen will also bring the Commissioners' issues regarding the functioning of various intersections to the pre-tour meeting.

BOND SALE

Present: Elaine Kramer, Director, Finance Department

Steve King, Director, Metropolitan Commission (MetCom)

Samuel Kettermman, Davenport & Co., LLC, Financial Advisor

James Cumbie, Venable, Baetjer & Howard, LLP, Co-Bond Counsel

Bobby Gant, Chair, Board of Directors, MetCom

The County Administrator announced the execution of the bond sale. The receipt of six competitive bids reflected a considerable interest in purchasing St. Mary's County bonds. Mr. Forrest executed documents authorizing the bond sale to the lowest bidder, Legg Mason Wood Walker, Inc., at a true interest rate of 3.992346%. Estimated savings to the county is \$401,793, and for MetCom \$590,767, over the remaining terms. The county, which has a AA rating, received an interest rate better than AAA rates for nationally sold bond issues.

Finance Director Elaine Kramer informed the Board that they will be reviewing debt capacity at the Capital Projects Work Session on August 25. A 5% interest rate was assumed in the previous debt capacity analysis, and the difference between that and the actual interest is a savings of about \$150,000 in debt service a year.

COUNTY ADMINISTRATOR (continued)

12. Adequate Public Facilities Committee (*George Forrest, CA; Denis Canavan, Director, LUGM*)

The Board discussed the process, member categories and Ethics Committee considerations to enable the Board to proceed with appointments to the Adequate Public Facilities Task Force. Mr. Canavan spoke about the importance of an Adequate Public Facilities Ordinance to ensure that the county matches its infrastructure with its land use needs. He also stressed the importance of including a balanced group of individuals on the Task Force who can bring expertise from such areas as the development community, real estate, lending institutions, and the law. The primary issue for the Task Force will be schools, followed closely by traffic. The appointment of this Task Force is timely: growth has occurred, growth will occur, and the county needs to be prepared to manage and guide that growth.

County Attorney John Norris indicated that, based on discussions at a previous Commissioner meeting about the composition of the Task Force and the potential inclusion of members of the development community and controlled growth organizations, he inquired with the Ethics Commission whether they would waive conflicts of interest if such individuals were to file financial disclosure statements. This would provide a full disclosure of what each individual member's financial interest would be. The Ethics Ordinance

specifically provides for this exception where a conflict of interest would significantly reduce the availability of qualified persons for public service. The Ethics Commission responded negatively to this request.

Mr. Canavan stressed that input from the various areas of expertise was needed to provide an informed recommendation to the Commissioners. If certain categories of individuals are not permitted to be members of the Task Force, he will need to consult with them to gain their valuable input and bring it to the Task Force's deliberations.

Staff was directed to advertise and receive applications for the APF Task Force. The same solicitation, application, review and selection process for other boards and commissions will be followed for the APF Task Force. The County Attorney was asked to obtain a further opinion from the Ethics Commission specifically on the question of Board of Education members serving on the Task Force and to return to the Board with a Resolution establishing the Task Force for their consideration and adoption.

13. Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize Commissioner President to sign the Employment Contract for the Public Information Officer, Jennifer Fabbriante. Motion carried.

COUNTY COMMISSIONERS' TIME

Commissioner Dement

- Enjoyed the 20th Annual Night Out event.
- Attended Beach Party in Leonardtown and Fire and Rescue Appreciation Day

- Commissioner Raley and I attended monthly get-together with Board of Ed members at the Do Dah Deli.
- Commissioner Jarboe and I attended 85th birthday celebration for Alice Thomas at Holy Angels.
- Attended 80th birthday party for Helen Morgan.
- The Bud Softball Tournament benefit for ARC was a success.

Commissioner Mattingly

- Want to thank Fire and Rescue folks for participating in Appreciation Day in spite of the bad weather.
- Congratulations to the Town of Leonardtown on their successful Beach Party event.
- Commissioner Raley and I attended Lexington Manor Community meeting with county staff. Good venue for providing ongoing information to the community and to be able to respond to some of their questions.
- Congratulate the hospital on the opening of the Emergency Room and Express Care facility. They have done a nice job with the renovations and are getting close to the completion.
- Hope we can follow up with state on the issue of accidents on 235 to try to resolve some of those issues. It's tragic that we've had the number of serious accidents that we've had on that highway, particularly this past weekend. Maybe we need to do some extra enforcement along that road to try to lessen the accidents.
- Sometime ago we had a communication that came through the planning Commission minutes about the Water Policy Task Force indicating that the state had cut funds for the current aquifer study that has been ongoing for 3 years. SMC was very instrumental in getting that aquifer study underway, committing to it at the very beginning. I think they have completed all of the wells that were to be completed, but I understand now that the state has eliminated the funding to complete that process. Request that staff do research on this and have Steve King give us an update on this and see if it would be appropriate for this Board to forward a letter to the state asking them to continue funding that study. It's a shame to make all that investment and not benefit from the data that you could collect from it. It's to the tri-county's advantage to see it through.

Commissioner Jarboe

- Recently. I've been a nurse and cook for my wife who broke her foot and had to undergo surgery.
- Nice article in the *Enterprise* that Susan Craton put together. People really appreciated that. It was done very respectfully and Dean Geiser did a great job with the photos and putting it all together. Thanks to all the folks responsible.
- Regarding the parking lot, our survey crew has been out surveying and its moving ahead.

Commissioner Raley

- Thanks to all the Fire and Rescue folks who stayed to participate in Fire and Rescue Appreciation Day in spite of the rain.
- Congratulations to Ridge Fire Department on their successful carnival. The carnivals are great fundraisers and also provide the community with opportunity to get together.
- Congratulations to Tri County Council on their Transportation Workshop. Shuttle service to Baltimore is now located at the airport. Friendly cab in Lexington Park can provide transportation to the airport.

- Southern Maryland College Fair is September 16 at the Hollywood Fire Department.
- St. Peter Claver will hold their Labor Day Festival on August 31.
- August 25 is the first day of school. Be careful on the roads. Will be at Carver Elementary on the 25th to welcome the kids back to school.
- Grand Opening of Nicolet Skate Park is August 30.
- Congratulations to Tourism Manager Carolyn Laray on the excellent brochures produced by her office.

Commissioner President McKay

- Public Forum will be held tonight at the RidgeVolunteer Fire Department.

EXECUTIVE SESSIONS

Commissioner Dement moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss matters of Litigation (Waste Management) and Real Property Acquisition (Lexington Manor), as provided for in Articles 24, Section 4-210(a)8, and 210(a)11, respectively. Motion carried.

Litigation

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Linda Springrose, Assistant County Attorney

Donna Gebicke, Recorder

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

Time Held: 4:18 – 4:40 p.m.

Action Taken: Commissioners discussed litigation matter regarding Waste Management and agreed to give direction to staff.

Real Property Acquisition

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

John Norris, County Attorney

John Savich, Director, DECD

Robin Finnacom, Director, Lexington Park Plan

Donna Gebicke, Recorder

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

Time Held: 4:41-5:25 p.m.

Action Taken: The Commissioners discussed a real property acquisition matter pertaining to Lexington Manor and agreed to give direction to staff.

ACTION FROM EXECUTIVE SESSION

Prior to opening the Public Forum, **Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to move forward as instructed regarding the Waste Management litigation case. Motion carried.**

Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to prepare necessary applications for acquisition, demolition, and relocation of residents within Lexington Manor and, further, to advertise public hearings on future Commissioners' agenda.

PUBLIC FORUM

The Public Forum was held at the Ridge Volunteer Fire Department. All Commissioners were present; Staff present: George Forrest, Jennifer Fabbicante, Phil Cooper, Denis Canavan;

Mark Curtis, and Donna Gebicke. Citizens offered the following comments:

Mike Schwartz, Lexington Park, MD

Owner, "Mike's Bikes." Thanks for the Commissioners' help with the BMX park. According to SMCPs policy, children are forbidden to ride bikes to school. I contacted Dr. Richardson a year ago to ask about this policy and she responded in a letter dated 3/21/02 that it was unsafe for children to ride bikes to school. This is not the case. In areas such as Leonardtown and Chopticon High Schools, there are shoulders or sidewalks to ride. Children don't have enough to do physically and are generally out of shape. Riding bikes to school would provide them with physical activity and they wouldn't have to rely on parents to pick them up when they stay later.

They should be encouraged to ride their bikes and should at least have the option when they are in high school. Please them the Board a push on this issue.

Gladys Ball, St. Inigoes, MD

Mt. Zion Methodist Church in St. Inigoes has had a problem for several years and needs help to resolve. The school bus turns around in the church yard, which is okay, except that it makes larges holes and damages the yard. We need help getting our church yard fixed. Can you help us find the right person to help? Contact Anne Dickerson, Chair of the Board of Trustees at (301) 872-0035

(Commissioner Raley asked staff to check with the Director of Public Works and Transportation – there may be funds in the budget to help with bus turnarounds on county roads).

Donnie Tennyson, Dameron, MD

I have 3 issues to discuss. The first is the ATV problem. There are too many accidents and property damage from these vehicles. The vehicles are traveling on private, county and state highways and this is a safety issue. Have talked to the Sheriff's Department. They can persue, but only so far. They do have some ATV's for their use. The second item is ferry service at Point Lookout. I do not support this. We are a different community south of Hermanville Road. We don't need extra traffic and people. Ferry service should be located around the Thomas Johnson Bridge. The third item is a processing center. The Commissioners recently took a tour of agricultural sites in the Northern Neck of Virginia and the 7th District and I understand you are

willing to do things to help agriculture. Myrtle Point is a deep water area that would be a good site for a processing facility. We could ship goods to the Caribbean and develop a niche market, perhaps ship grain to Salisbury or Norfolk via water.

Clare Whitbeck, Leonardtown, MD

When you give tax credits for new housing, remember 80% of median income - \$56,000. \$1500 per month, that's not low income and that kind of housing won't solve our housing needs. Would like to request that landlords in Lexington Park area with housing in the \$800-900 range for a two-bedroom (which is what Section 8 vouchers will cover), attend workshops the county is offering . You know that rent will be paid on time because the Housing Authority pays the rent directly. There is a new Housing Authority inspector who visited a friend of mine in Lexington Manor and was writing up such things as a missing faucet piece. People shouldn't be forced out of their homes at this point. Inspectors should show some restraint. If the community pulls together, we can all prepare for BRAC.

Minnie Russell

Is road construction on Rt. 5 south to Point Lookout on schedule? Tower in Dameron is not putting the necessary "whatevers" and another tower is being put up. Why is this? Grass cutting – why can't they make a mini swipe down the worst parts on the sides of the road and then go back? Abandoned houses: Need to be taken down or preserved. Should be able to re-erect on same footprint. Will Rt. 235 ever be completed? Is St. Jerome's Creek going to get dredged? What is going on with mosquito control?

Donnie Tennyson

Regarding the communications towers. We missed the boat. Policy in place. Should not be limited in height. Most cell phone calls originate in Westmoreland County. If we had gone up another 50', we might not have needed another tower. When site is in the woods, don't limit height – 1 big tower is better than 5 shorter. Re Rt. 5 and Point Lookout – glad we are not looking for a big highway, we could just add a foot or two on either side. Speed is an issue on this road, too.

Minnie Russell

Rt. 5 South – if you make it bigger, won't change a thing, everyone will still travel at the same speed or faster.

ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Minutes Approved by the

Board of County Commissioners on _____

Donna Gebicke, Administrative Assistant

to the Board of County Commissioners