

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, September 14, 2004**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Donna Gebicke, Administrative Assistant (Recorder)
Kate Mauck, Senior Administrative Coordinator (Recorder)

Donna Gebicke recorded the following meeting minutes:

The Board of County Commissioners attended a breakfast meeting at the Café Des Artistes Restaurant in Leonardtown at 8:00 a.m. and welcomed bond rating agency representatives from New York.

CALL TO ORDER

The meeting was called to order at 9:18 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Dement moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, September 7, 2004, as presented. Motion carried.

COUNTY ADMINISTRATOR

1. Draft Agendas for September 21 and 28, 2004
2. **Recreation, Parks, and Community Services**

Present: Phil Rollins, Director

Also Present: Laschelle Miller, Leonardtown Town Administrator

Heidi Dudderar, Assistant County Attorney

- a. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Memorandum of Understanding with the Town of Leonardtown formalizing the County's commitment to fund \$1 million over three years for the Leonardtown Wharf public waterfront park project. Commissioner Mattingly moved, seconded by Commissioner Jarboe, to amend the motion to include the following typographical corrections to the MOU: change references to "Section (7)" to "Section (9)" on pages 2 and 3. Motion carried.**

Also Present: Joyce Malone, Real Property Manager

- b. **Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Amendment to the Letter of Understanding for Temporary Use of the Former George Washington Carver Elementary School Facility. Motion carried.**

3. Department of Aging

Present: Gene Carter, Director

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Department of Aging Medicaid Waiver Notification of Grant Award and related Budget Amendment. Motion carried.

4. Department of Public Works and Transportation

Present: George Erichsen, Director

- a. **Public Works Agreement Addendum for Willow Woods Subdivision, Section 1. Located in the 8th Election District with an expiration date of August 1, 2005. The letter of credit provided by The First National Bank of St. Mary's in the amount of \$530,000 has been reduced based on the BOCC's meeting/discussion on August 24, 2004 and this Department's Inspection Report dated August 26, 2004. 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 Mattingly, to rescind the claim letter in the amount of \$530,000 signed on August 24, 2004, for the Willow Woods Subdivision, Section 1; and approve and authorize the

Commissioner President to sign the new Public Works Agreement Addendum for Willow Woods Subdivision, Section 1. Motion carried.

Commissioner Raley moved, seconded by Commissioner Mattingly, to rescind the grading agreement claim letter for the Willow Woods Subdivision, Section 1. Motion carried.

- b. Resolution accepting Chaffee Court and Christine Place located in the Forest Lake Subdivision, Section 2, 6th Election District, into the County's Highway Maintenance System. Also, attached are resolutions establishing a 25-mph speed limit and stop sign for said roads.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and sign Resolutions. Motion carried.

Also Present: Robin Finnacom, Executive Director, Community Development Corporation

- c. Easement Agreement with Bay District Volunteer Fire Department for brick sidewalk improvements on the south side of Maryland Route 246 (Great Mills Road) near the intersection with South Coral Drive.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Easement Agreement. Motion carried.

- d. Internal Budget Amendment for filling Inspector III Vacancy.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment. Motion carried.

5. Employment Contracts

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Employment Contract for Phil Rollins, Director of Recreation, Parks, and Community Services. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign Employment Contract for Jennifer Fabricante, Public Information Officer. Motion carried.

6. Sheriff's Department

Present: Sheriff David Zylak
Erin Gass, Fiscal Specialist

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Budget Amendment transferring \$15,000 from Salary account to Other Contract Services to fund the next phase of the contract for Strategic Planning. Commissioner Jarboe moved, seconded by Commissioner Dement, to table the motion for one week. Motion carried.

The following minutes were recorded by Kate Mauck:

LOCAL MANAGEMENT BOARD: BRIEFING ON LEADERSHIP IN ACTION PROGRAM

Present: Bennett Connelly, Executive Director
Kathleen Reif, Library Director
Ella May Russell, Director, Department of Social Services
Becky Stevens, Child Care Resource Center
Linda Dudderar, Director of Elementary Curriculum and Instruction,
St. Mary's County Public Schools

Members of the Local Management Board provided a briefing on the Leadership in Action Program (LAP) that will begin in the Tri-County area on September 15, 2004. The LAP is a new initiative developed in 2001-2002 as an innovative approach to leadership that seeks to improve outcomes for children, families, and communities in the state of Maryland. This effort is made possible through a special partnership among the Annie E. Casey Foundation, the Council for Excellence in Government, and the Maryland Sub-Cabinet for Children, Youth, and Families.

The counties of Charles, St. Mary's, and Calvert have been invited to participate in the development of the LAP initiative from September 2004 to October 2005. One of the goals of the LAP is to help ensure that children entering school for the first time are ready to learn. This will be achieved by engaging key leaders in the community to come together to develop new partnerships and opportunities that will improve the lives of children and their families, and thus, strengthen the community.

The Board of County Commissioners expressed their support for this initiative and asked the LMB to keep them informed on progress made.

CHAMBER OF COMMERCE "STATE OF THE COUNTY LUNCHEON"

The Board of County Commissioners attended a Chamber of Commerce "State of the County Luncheon" at the J. T. Daugherty Conference Center.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT; SIGN ORDINANCE RE: AMENDMENT TO THE GREENVIEW WEST ZPUD #03-145-001

Present: Denis Canavan, Director

The Department of Land Use and Growth Management presented a finalized Ordinance amending the Greenview West ZPUD #03-145-001. A public hearing was conducted on the item, and the Board of County Commissioners recently approved the Ordinance. The Ordinance was brought forward for review and final signatures. It was reported that the applicant discussed at an earlier session was indeed dedicating and deeding approximately 3.1 acres of land along Chancellor's Run Road to the County. The Board of County Commissioners agreed to sign the final Ordinance.

PRESENTATION OF MOSAIC COUNTY SEAL

Ryken High School student, Michael Krilich, of Mediterranean Marble Mosaics, presented the Board of County Commissioners with a final version of a mosaic of the County Seal.

COMMISSIONERS' TIME

Commissioner Jarboe

Reported that there are numerous examples of volunteerism throughout the County that have been very helpful. One example he highlighted was in response to the recent tornado in Ripley (Charles County), which damaged or destroyed many outbuildings, etc. Many individuals from St. Mary's County, including several members of the Amish community, traveled to Ripley to help clean-up efforts. One of the areas worked on included the farm of Donna Sasscer's parents. He expressed gratefulness to the many volunteers who are doing good things for the County.

Commissioner Raley

Represented the Commissioners on Thursday, September 9th at the Public School Superintendent's Meeting, which was held for the first time in St. Mary's County. He was honored to provide greetings to the group on behalf of the County.

Attended, along with Commissioner Dement, a good event at the 125th Anniversary Celebration of Holy Face on Saturday, September 11th. Holy Face is a lot like St. Mary's County, and has many new faces, a lot of enthusiasm, and new ideas; however, it also retains the people who were born and raised in the parish, whose families have been there for generations.

Expressed birthday wishes to his mother, who celebrated her birthday yesterday.

Commissioner Dement

Attended, along with Commissioner Raley, the 125th Anniversary Celebration of Holy Face.

Stopped by the Banneker Elementary fundraising golf tournament event held at the Swing & Swat in Hollywood on Sunday. Commissioner Mattingly attended as well, and there was a good turnout for the event.

Had the opportunity to attend an event and to present a commendation on behalf of the Board of County Commissioners, honoring Joseph Goldsborough in recognition of his dedication to the community.

Expressed sympathy to the family of Dylan Robert Brown, who recently passed away at a very young age. *Asked staff to send sympathy to the family.*

Commissioner Mattingly

Attended the 7th District Optimist's Club meeting and made remarks on behalf of the Board of County Commissioners, using some of the information from the State of the County brochure which was recently developed. The benefit chicken dinner to be held on September 19th to help with bone marrow for Dylan Brown will still be held; however, after his passing, it was determined that the money raised will now go toward a bone marrow testing program and also to help the Brown family with some of the medical expenses incurred for their son. The dinner will be held as scheduled on the 19th from 11:00 to 3:00 at the ball park next to the 7th District Optimist's Club at a cost of \$8.00 per person. Bone marrow testing will occur at the Breton Bay Shops, which is located next to Arby's and Wendy's in Leonardtown from 3:00 to 8:00 on September 21st. The community was encouraged to come out and support the Brown family and the 7th District Optimist Club for this important endeavor.

Represented the Board of County Commissioners at the United Way 2004 Kick-Off Breakfast at the J. T. Daugherty Conference Center on Friday, September 10th.

Also reported on the Banneker Elementary fundraising golf tournament held at the Swing & Swat. Joe St. Clair, owner of the facility, has added some new equipment, and it will be displayed at the St. Mary's County Fair.

Expressed thanks to Admiral and Mrs. Heeley for an enjoyable gathering at Mattapani on the Naval Air Station, which benefited the Sotterly Foundation. There was a good turnout for the event, and Admiral and Mrs. Heeley were thanked for their hospitality in opening their home for fine event.

Commissioner President McKay

Reported that the Board of County Commissioners would be conducting their monthly public forum this evening at 6:30 p.m. at the St. Joseph Community Center in Mechanicsville.

Commissioner Jarboe moved, seconded by Commissioner Dement, for the Board of County Commissioners to meet in Executive Session in order to discuss Real Property Acquisition, as provided for in Article 24, Section 4-210(a)11. Motion carried.

The remaining minutes were recorded by Donna Gebicke:

EXECUTIVE SESSION

Real Property Acquisition/Disposition

Present: Commissioner Thomas F. McKay, President
Commissioner Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
George Forrest, County Administrator
John Norris, County Attorney
George Erichsen, Director, Public Works and Transportation
Denis Canavan, Director, Land Use and Growth Management
Joyce Malone, Real Property Manager
Donna Gebicke, Recorder

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

Time Held: 3:50 – 4:15 pm

Action Taken: The Commissioners discussed property acquisition/disposition matters.

Real Property Acquisition/Disposition

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

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

Time Held: 4:16 – 5:25 pm.

Action Taken: The Commissioners discussed property acquisition/disposition matters.

PUBLIC FORUM: ST. JOSEPH COMMUNITY CENTER, 40610 KAVANAGH ROAD, MECHANICSVILLE, MARYLAND

At this time, the Board of County Commissioners voted on items handled during Executive Session earlier in the day as follows:

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize staff to proceed as discussed in Executive Session regarding matters of property disposition and acquisition. Motion carried.

Commissioner McKay opened the Public Forum and introduced a new appointee to the Metropolitan Commission, Mr. Tim Wood, and County staff in attendance. Commissioner Mattingly encouraged forum attendees to apply for vacancies on boards and committees.

The following public comments were received:

Christie McDonald, 27394 Yowaiski Mills Road, Mechanicsville, MD

I had some issues last year in Lexington Park and the public forums helped keep me sane. It is a good place to express your concerns and thanks. I live in Country Lakes now and appreciate living in such a neighborly, friendly community. My neighbors lost their Labrador dog. Please call Commissioner McKay (he will know how to contact me) if you find the dog.

Ella Sommerville, 40790 King Drive, Mechanicsville, MD

No one can find my house because of the 2 roads having the same name. My road used to be Morganza Grove Road. Ambulances and delivery people can't find us. I have been to Zoning and Public Works and no one will fix the problem. This is a serious problem and something needs to be done.

Charles Herbert, 40596 Bishop Road, Mechanicsville, MD

Want to thank Commissioner McKay for coming to our community for National Night Out. We all appreciated it very much. Regarding our Community Center -- we do a lot here to outreach on our own to the community. Each Monday we have a group of kids, formerly the Ladies and Gentlemen's Club, who meet to work on attitude issues, career goals, homework and improving grades. The organization really gets involved to help the kids progress and achieve. We sponsor a month-long summer camp that focuses on goal setting and educational activities. Our center does all of this through our own fundraising. We have a solid core of volunteers that keeps things going. We have dances to pull kids together and help make them a productive unit in and out of the community. We would like to ask for your support and financial assistance for programs. We are setting up computer stations to help kids have a better start. With all of this going on, we do need the support of County government.

Jerome Herbert, 25821 Morganza Turner Road, Morganza, MD

We operate the Community Center on our own and it's a struggle at times to do all of the things we want to accomplish and make this a place that kids can find positive things to do. We need equipment and are hoping the skating rink can be fixed. Everything seems to be for Lexington Park. We are part of the County, too. We feel we are left out. We are not asking for a lot – just help us out. We ask the Commissioners to find a way to give a little bit our way. We have had to deal with the Health Department to commercialize our kitchen. Our building needs work – it is difficult to maintain, and we

would like to make it bigger. There are many things the center needs that could really benefit the community. If you could give us a hand, it would really be appreciated.

The Commissioners asked George Forrest, County Administrator, and Cynthia Brown, Community Services Manager, to work with the Community Center to help them formulate a priority list and plan for submission during the budget process

A center volunteer indicated a specific need for a commercial stove to complete the Health Department requirements.

Charles Herbert, 40596 Bishop Road, Mechanicsville, MD

A zoning meeting was held on September 9 in reference to the proposed farmers' market on Bishop Road and Rt 247. I saw a sign that said it was about changing from residential to commercial zoning. Is this just for that parcel or in reference to the whole area? If yes, how will it affect the surrounding roads? And, if yes, how do you expect this to impact traffic on two-lane Bishop Road and what other commercial growth has come before you for this area? We are concerned about the addition of truck traffic on this small road. Shouldn't the road have to be improved to handle additional traffic?

Wouldn't it be better to have the access be from Rt. 247?

Denis Canavan, Director of Land Use and Growth Management, responded that the requested use for this parcel is for an auction house. A hearing was held on September 9 by the Board of Appeals. The Board of Appeals approved the Conditional Use allowed in the existing ordinance - - it was not a rezoning. The traffic issue will be addressed at the site plan process. Access will be from Bishop Road. Access via Bishop Road was intentionally proposed so that the existing driveway could be utilized. Access via Rt. 247 would require (by the State) building a commercial-wide access. The Conditional Use was approved for a one-story, 14,000 sq. ft. building to be used for wholesale selling of produce and handicrafts

Commissioners Jarboe and Mattingly added the following: the wholesale market will help to keep local farmers in the community and make it easier for them to sell their produce, traffic volume will not be as heavy as the Charlotte Hall market, the auction house will be seasonal and not open on Sundays, and local markets are expected to benefit.

The Commissioners asked that Agriculture Manager, Donna Sasscer, look into the possibility of using Ag Preservation funds to build a commercial entrance to the auction house.

ADJOURNMENT

The meeting adjourned at 7:30 p.m.

Minutes Approved by the Board of County Commissioners on _____

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

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