

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, September 20, 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 Jarboe moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register. Motion carried, 5-0.

APPROVAL OF MINUTES

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, September 13, 2005, as corrected. Motion carried, 5-0.

PROCLAMATIONS AND COMMENCATIONS

The Board of County Commissioners presented the following Proclamations and Commendations:

- Corporal Jeffrey L. McLane - Retirement
- Teen Court Month
- Daniel Slade & Victoria Curtis – Teen Court Volunteers

**DEPARTMENT OF RECREATION, PARKS, AND COMMUNITY SERVICES & TEEN COURT
ADVISORY COMMITTEE: STATUS OF TEEN COURT PROGRAM**

Present: Kelsey Bush

Rebecca Hill

An overview of the status of the Teen Court Program was presented, including the mission, goals, eligibility criteria, how the program works, types of cases handled, sanctions, respondent success, case closure, volunteerism, benefits of the program, and partnerships.

COUNTY ADMINISTRATOR

1. Draft Agenda for September 27 and October 4, 2005

2. **St. Mary's County Public Schools**

Present: Brad Clements, Chief Administrative Officer, SMCPs

Dan Carney, Chief Financial Officer, SMCPs

Elaine Kramer, Chief Financial Officer, St. Mary's County Government

a. Commissioner Jarboe move, seconded by Commissioner Dement, to approve the FY2006 General Fund categorical budget request to enhance and support the English Language Learners program, and the addition of a .40 Latin high school classroom teacher for the school year 2005-2006, as requested on the Board of Education agenda/

documentation, which was approved by the Board of Education on August 31, 2005. Motion carried, 5-0.

b. Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$341,000 for FY 2004 and FY 2005 funding for land acquisition and the associated expenditures to be transferred to the FY 2006 land acquisition account line, and approve and sign letter of transmittal regarding the approved Budget Amendment. Motion carried, 5-0.

c. Commissioner Raley move, seconded by Commissioner Mattingly, to approve the FY 2005 General Fund categorical budget transfer request to

balance on general fund categories, allowing for close-out of the year-end fiscal year budget for FY 2005, as requested by the Board of Education, which was approved by the Board of Education on August 31, 2005, and sign the draft letter prepared by our Chief Financial Officer that approves the transfers but also reminds the Board of Education of the requirement for pre-approval of categorical transfers. Motion carried, 5-0.

d. Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Budget Amendment in the amount of \$40,366 to revert funds back to the County, and approve and sign letter of transmittal. Motion carried, 5-0.

3. County Attorney

Present: John B. Norris, III, County Attorney

Don Spence, Esq., Greenburg, Spence & Taylor, LLC

C. R. Rick Bailey, Marrick Properties, Inc.

George Erichsen, Director, Department of Public Works & Transportation

Commissioner Mattingly moved, seconded by Commissioner Dement, that we find that, for the reasons stated at our meeting of August 30, 2005 as set forth in the attendant Resolution, it is in the best interests of the citizens of the County to accept Certificates of Guarantee written by qualified organizations meeting the requirements of the Resolution and the "Regulations Regarding the Issuance of Certificates of Guarantee, attached thereto as Exhibit A". Motion carried, 5-0.

4. Department of Public Works and Transportation

Present: George Erichsen, Director

Also Present for items a & b: George Jarboe, Transportation Manager

Jackie Fornier, STS Supervisor

a. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign FY 2006 Capital Grant Agreement and related Budget Amendment in the amount of \$159,975. Motion carried, 5-0.

b. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign FY 2006 Rural Public Transportation Operating Grant and related Budget Amendment, and also designate the Director of Public Works and Transportation as the Project Director pursuant to Section II of the Grant Agreement. Motion carried, 5-0.

Commissioner Mattingly asked staff to look into alternative bus routes that would eliminate and/or lessen the likelihood of accidents at dangerous intersections. In particular, they should look into changing the route where the recent STS bus accident occurred – reroute the bus so as to avoid the intersection altogether.

Ms. Fornier reported that she would send a second memorandum alerting the modification of the route. Commissioners asked the Transportation Department to be proactive regarding these types of situations.

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

c. Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and accept, and authorize the Commissioner President to sign Temporary Easement Agreement from Lawrence and Evelyn Fritz to the County. Motion carried, 5-0.

5. Department of Land Use and Growth Management

Present: Denis Canavan, Director

John B. Norris, III, County Attorney

Commissioner Jarboe directed staff to add the following language to the proposed Zoning Ordinance Text Amendment, under the section regarding Agricultural Activity: "add to composting of natural organic materials".

Commissioner Mattingly directed staff to determine whether or not the amended language would cause any conflict with the Solid Waste Plan. In particular, if the County was to develop a municipal solid waste station, and it is located in the Rural Preservation District area, would this present a conflict?

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to direct staff to advertise a public hearing on a Zoning Ordinance Text Amendment for the Right to Farm. Motion carried, 5-0.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the scheduling of a public hearing for revisions on Chapter 254 of the County Code. Motion carried, 5-0. *Commissioners directed that the public hearing on Right to Farm Zoning Ordinance Text Amendment and revisions to Chapter 254 be conducted as one.*

6. Mechanicsville Fire Department

Present: Joe Guyther, Representative, Mechanicsville Fire Department

Bob Kelly, Acting Director of Public Safety

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the Waterway Improvement Fund Application and Project Agreement in the amount of \$12,000, and authorize the Commissioner President to sign the Agreement. Implementation of the agreement is subject to execution of a sub-recipient agreement, to be drafted by staff for approval at a later date. Motion carried, 5-0.

PRESENTATION OF 2006 LEGISLATIVE PROPOSALS AND REVIEW OF PROCESS

Present: Heidi Dudderar, Deputy County Attorney

Ms. Dudderar presented the Board of County Commissioners with the draft St. Mary's County 2006 Legislative Proposals, which outlines 20 items that will be discussed in upcoming sessions regarding the matter. The 2006 Legislative Schedule was outlined and discussed in detail, with the following meetings to be forthcoming:

- **Tuesday, October 4th** at 6:30 p.m. – County Commissioner Public Meeting to receive briefings from staff and input from the public on Legislative Proposals;

- Tuesday, October 11th - County Commissioner take positions on Legislative Proposals;

- Thursday, October 13th – Send Legislative Package to Legislators;

- Tuesday, October 25th at 6:30 p.m. – Conduct Joint Public Meeting with Legislators on Legislative Proposals (to include public and staff presentations); and

- Monday, October 31st – Final Legislative Package to Legislators

Ms. Dudderar reported that additional information would be forthcoming regarding specifics on each proposal.

Commissioner Raley asked Ms. Dudderar to follow-up on a discussion he had with Mr. Norris regarding adding a proposal that would allow a grandfather provision for St. Mary's County for individuals that have a business of tree-cutting/limb-cutting. A state law was instituted last year or the year before last that requires these individuals to have a license, and the licensing requirements are proving to be too difficult to navigate. Ms. Dudderar reported that the item would be added to the list prior to the October 4th meeting.

Commissioner Mattingly, along with John Savich, reported that the Town of Leonardtown is potentially interested in a bond bill because of costs of the Wharf Project, and that information from them is forthcoming. Commissioner President McKay stated that the County would need to work with the Town of Leonardtown in order to put together a large comprehensive package, and this effort would likely involve more than a bond bill. Ms. Dudderar was directed to follow-up on the matter.

It was determined that formal invitations would be sent to Legislators inviting them to be present at the Board of County Commissioners' meeting on October 4th at 6:30 p.m. in order to hear comments from citizens regarding proposals. The formal invitation should include an offer to receive a copy of the video of the October 4th evening meeting, as part of their review of the proceedings, should they be unable to attend.

COMMISSIONERS' TIME

Commissioner Raley

No comments at this time.

Commissioner Dement

Expressed happy birthday wishes to Hazel Starr.

Commissioner Mattingly

Reported that he recently attended an AICUZ presentation at Broomes Island for the folks from Accomack County. The presentation went very well, and a note of thanks from Accomack County has been received, expressing their appreciation for the help given at the event.

Reported that the Ladies Auxiliary for the Maryland State Fireman's Association last weekend conducted a meeting at the Hollywood Fire Department, with many individuals coming in from out of town, and staying the night in order to attend the event. There was a very large turnout for the event, and was a good tourism opportunity for St. Mary's County.

Expressed congratulations to Rick and Donna Burris, who were married over the weekend.

Reported that Commissioners received an e-mail yesterday regarding funding for school construction that was received by some of the metropolitan counties. Asked Commissioners to consider writing a letter to the Governor, Speaker of the House and President of the Senate, and/or to provide direction from the Board outlining the county's support for requesting additional funding at the state level for school construction, should the matter come up for discussion at the next MACo meeting. Discussion by the Commissioners ensued. *Commissioner Mattingly requested that a generic letter be drafted requesting the leadership and the Governor to work together to support the initiative for additional funding for school construction projects.*

Commissioner Jarboe

Reported that he had the opportunity last weekend to perform at the Three Notch Theatre, which was a fundraiser for victims of Hurricane Katrina. Wendy Heidrick has done a great job with the theatre, has organized and recruited troops to make it a success, and has done a good job with the facility. Encouraged the public to support the theatre project.

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Commissioner President McKay

Referred to comments made earlier by Mr. Carney regarding a meeting held in Baltimore, which was put together by the Maryland State Board of Education. A committee was formed to evaluate the maintenance of effort requirement for different jurisdictions, and St. Mary's County participated in the event. Commissioner President McKay testified before the committee on the importance of allowing local governments or local school systems to control the funding levels for education in their communities as opposed to being mandated by the State. Outlined the concern that the State would recommend additional mandated maintenance of effort requirements on local jurisdictions. Outlined reasons for the concern, and reported that a good presentation was made to the committee.

Reported on the Friday evening Innovative Solutions Open House Ceremony, with the Lieutenant Governor in attendance.

Reported that the Commissioners would be departing the Governmental Center in order to attend the Chamber of Commerce State of the County presentation and luncheon. He reported that the Commissioners would then hold an Executive Session at the Community Development Corporation, prior to returning to the Governmental Center for evening public hearings.

VOTE TO MOVE INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to move into Executive Session in order to discuss a matter of Real Property, as provided for in Article 24, Section 4-210(a)11. Motion carried, 5-0.

STATE OF THE COUNTY LUNCHEON

The Board of County Commissioners departed the Governmental Center at this time in order to attend the State of the County Luncheon at the J. T. Daugherty Center in Lexington Park.

Donna Gebicke recorded the remaining meeting minutes:

EXECUTIVE SESSION – CONDUCTED AT THE COMMUNITY DEVELOPMENT CORPORATION, LOCATED AT 21783 NORTH CORAL, LEXINGTON PARK

RIBBON CUTTING CEREMONY – ABBERLY CREST APARTMENTS

The Board of County Commissioners participated in a ribbon cutting ceremony at Abberly Crest Apartments, located at 46850 Abberly Crest Lane in Lexington Park.

PUBLIC HEARINGS: PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWERAGE PLAN – CONDUCTED AT THE GOVERNMENTAL CENTER

Present:

1) Elizabeth Hills Subdivision

2) Ranieri Run Subdivision

3) Tom Hodges Auto Sales

4) Toyota of Southern Maryland

5) Grandview Haven Phase II

ADJOURNMENT

The meeting adjourned at ____ p.m.

Minutes Approved by the Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator