

ST. MARY'S COUNTY

BOARD OF COUNTY COMMISSIONERS' MEETING

GOVERNMENTAL CENTER

Tuesday, November 4, 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 (Recorder)

CALL TO ORDER

The meeting was called to order at 9:11 a.m.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Jarboe, seconded by Commissioner Mattingly, to approve the minutes of the Commissioner's meeting of Tuesday, October 28, 2003, as amended. Motion carried.

PROCLAMATIONS

The Commissioners presented a commendation to St. Mary's County Teacher of the Year

Patricia Teague.

COUNTY ADMINISTRATOR

1. Draft Agenda for November 18, 2003, was reviewed. There will be no meeting on November 11.
2. Office of Community Services (*Joe Donick, ATOD Prevention Coordinator*)

Commissioner Jarboe moved, seconded by Commissioner Dement to approve and authorize Commissioner President McKay to sign Budget Amendment reflecting a decrease in the Summer Food Program grant of the FY04 budgeted amount of \$40,000 to actual grant award of \$33,785.47. Motion carried.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President McKay to sign Budget Amendment reflecting a decrease in Highway Safety Grant from the FY04 budgeted amount of \$117,672 to the actual award of \$102,000 and realign accounts. Motion carried.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and sign Ordinance and authorize Commissioner President McKay to sign 2 Budget Amendments authorizing expenditure of \$7,870 from OCS Revolving Funds for the Alliance and Events. Motion carried.

3. Recreation and Parks (*Phil Rollins, John Savich*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President McKay to sign Acquisition Application/Project Agreement and related Budget Amendments for Program Open Space Funds to assist in the acquisition of approximately 50 acres of southern portion of Lexington Manor property. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President McKay to sign Natural Resources Damage Assessment Restoration Plan Grant Agreement for Forest Landing. Motion carried. Bill Ball, Parks Supervisor, indicated that the project might not be completed by the original target date of May 18, 2004, due to Hurricane Isabel. *It was agreed that if the project can't be completed before the summer season, it should be postponed until fall.*

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

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and sign Resolutions accepting Hunting Quarter Drive, Mallard Place and Widgon Place located in the Hunting Quarter Subdivision, Phase 2, Section 2C, Second Election District, into the County's Highway Maintenance System and to erect stop signs and 25-mph speed limits for same. Motion carried.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President McKay to sign Public Works Agreement Addendum for Hickory Hills North Subdivision, Section 2, Phase 1. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and sign

Ordinance to amend SMC Airport Layout/Master Plan to reflect approved hangar development at the SMC Airport on land currently leased by the BOCC; to facilitate a proposed amendment to Chapter 50-Use Classifications, and Chapter 51-Use Regulations and Standards, of the SMC Comprehensive Zoning Ordinance; and to authorize Commissioner President McKay to sign page 2 of the Airport Layout/Master Plan. Motion carried.

5. Department of Land Use and Growth Management (*Denis Canavan, Director, LUGM; Teresa Wilson, Historic Pres. Planner*)

Ms. Wilson indicated that no public comments were received during the ten-day open record period following the Public Hearing on October 14. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign the Ordinance adopting the "Historic Preservation Guidelines for St. Mary's County. Motion carried.**

Mr. Canavan stated that no public comments or testimony were received in opposition of the proposed Ordinance to amend the Comprehensive Zoning Ordinance relative to Permitted Use in the Airport Plan at the Public Hearing held on October 21 or during the subsequent 10-day comment period.

Commissioner Mattingly moved, seconded by Commissioner Jarboe to approve and sign Ordinance to amend the Comprehensive Zoning Ordinance (02-01), regarding Article 5, Regulation of Use Table, use #85, Airport landing strip and heliport, to allow for development proposals to be processed as a Permitted Use on Industrial Zoned Property in accordance with the Adopted Airport Master Plan, and that proposal for development not shown on the Master Plan remain subject to the Conditional Use Application process. Motion carried.

6. DECD (*John Savich, Director; Carolyn Laray, Tourism Mgr.*)

Commissioner Mattingly moved, seconded by Commissioner Dement to approve and authorize Commissioner President McKay to sign Cooperative State Tourism Grant and Budget Amendment to reflect a decrease in the grant amount for FY04 by \$2,201. Motion carried. Staff was directed to draft a thank you letter to the donor of the billboard in Charlotte Hall advertising the St. Clement's Island Museum.

7. Emergency Communications (*Phil Cooper, Director*)

Commissioner Dement moved, seconded by Commissioner Raley to approve and authorize Commissioner President McKay to sign a DNR Waterway Improvement Fund Application, DNR Assignment Acknowledgement, and Agreement between BOCC and Ridge Volunteer Fire Department for grant funds toward fire/rescue boat purchase. Motion carried.

8. Department of Human Resources (*Randy Schultz, Director*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the Schedule of County Holidays for 2004 as presented. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Dement, to schedule Friday, December 26, 2003, as a County holiday. Motion carried.

COMMISSIONERS' TIME

Commissioner Jarboe

- Received request to look into making sure that volunteer fire and rescue squad members are included in workmen's compensation coverage. *The County Attorney was asked to*

draft a letter to the insurance company verifying coverage, and, if not previously adopted, to bring forth a Resolution that provides for this coverage.

- Received letter from Mike Barnett, Chief, SMC Advanced Life Support Unit, requesting that holds placed on ALS equipment procurements be released. These funds were placed on hold until the impact of Hurricane Isabel could be determined. *Staff was directed to bring this item to the Board under County Administrator time at the next Board meeting.*

Commissioner Raley

- Attended the Hollywood Rescue Squad Installation of Officers with the other Commissioners. Congratulations to those fine people. We appreciate the excellent job they do for county every day.
- Congratulations to the State's Attorney for instituting a new addition to the bad check program that his office administers. Those persons who come in to make good on their bad checks will now pay an additional \$5 which will go into a fund to be distributed to merchants for those bad checks the State's Attorney can't collect on. While merchants will never be able to recoup all of the losses from bad checks, this program does provide additional assistance. Thanks to the State's Attorney's Office for taking this initiative.
- Was approached by the St. Mary's Caring Board. They would appreciate a response to their letter requesting that the Board reconsider their decision regarding funding. This may not be possible at this time, but a response is needed.
- Was contacted by the contractor working on Coral Drive who was upset by comments from me and Commissioner President McKay about the work not getting done. The contractor wanted to clarify that the delay is not his fault. There were problems getting authorizations for funds cleared up. The contractor indicated that the underlay and cement will be done this week, and that if there is a delay in getting asphalt, it will not be his fault. The important thing is that the road be completed for the citizens. *The County Administrator was asked to coordinate with the Director of Public Works to ensure there are no further delays on this project.*

Commissioner Dement

- Attended MetCom meeting in Hollywood regarding sewage problem in Valley Lee.
- Congratulations to Al Saunders on his retirement
- Happy Birthday to Phil Cranford
- Presented proclamation to James Bernard and Josephine Quade on their 50th anniversary.
- Attended the Bowles family Corn Maze with my grandchildren – great event for SMC.
- Congratulations to Sean Powell on his appointment as Supervisor of Assessments for SMC.

Commissioner President McKay

- To clarify my comments regarding the work being done on Coral Drive: I stated that we should ask that the contractor be taken off any other work he is doing for the County so that he can focus on Coral Drive.
- Will attend Critical Area Commission meeting tomorrow afternoon in Annapolis. Items coming before the Commissioner will include the Leonardtown Wharf project and St. Mary's City's plans to redo the path to the *Dove*.

- Had the opportunity to represent the County, along with members of the Navy Alliance, in a meeting at the Pentagon with Anne Davis, Assistant Secretary of the Navy. Secretary Davis is an integral part of the BRAC process. It was a positive, upbeat meeting about the Navy's future in SMC. Ms. Davis is aware of the County's efforts in 1992 and beyond to accommodate the Navy, as well as our recent bond sale success and BRAC priorities plan.
- The Southern Maryland Commuting Issues meeting scheduled for October 31 was cancelled and will be rescheduled so that Secretary Flanagan can attend.
- Congratulations to the new and outgoing Hollywood Volunteer Rescue Squad and their Auxiliary officers. The installation banquet was a very nice event. The community appreciates all the volunteers do every day for the citizens of St. Mary's County.
- The Board of County Commissioners is asking for volunteers for possible appointment to existing and upcoming vacant positions on the boards, committees and commissions. Applications should be submitted by December 2, 2003, for consideration.
- St. Mary's County Government Offices will be closed and there will be no Board of County Commissioners meeting on Tuesday, November 11, 2003, in observance of Veterans' Day
- There will be a Veterans' Day parade on the Square in Leonardtown. Formation will be at 9 a.m. and the parade will start at 10.
- The Commissioners will hold a Public Forum tonight to hear from the public concerning FY2004 Legislative proposals.

LEONARDTOWN WHARF GROWTH ALLOCATION REQUEST

Present: Sue Veith, Environmental Planner

Ms. Veith certified that all legal requirements related to the Public Hearing held on October 21 on the requested growth allocation were met and no comments from the public were received.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to adopt an Ordinance allocating 3.136 acres of St. Mary's County Growth Allocation to the Town of Leonardtown necessary for the development of the Leonardtown Wharf. Motion carried.

BOARD OF COUNTY COMMISSIONER SITTING AS BOARD OF HEALTH:

UPDATE ON PUBLIC HEALTH ISSUES

Present: Dr. William Icenhower, Health Officer

Commissioner Raley moved, seconded by Commissioner Mattingly, to adjourn as the Board of County Commissioners and convene as the Board of Health. Motion carried.

Dr. Icenhower's update included the following issues:

- Infectious Diseases (West Nile Virus [WNV], flu, SARS)

St. Mary's County was fortunate not to have any new cases of West Nile Virus. Mosquito pools tested also came up negative. Four horses were lost to WNV, which is particularly unfortunate since there is a vaccine to immunize them. The public is encouraged to get the Flu vaccine. The vaccine will not prevent anyone from getting SARS, but will hopefully reduce the number of people who are sick and in emergency rooms, thus reducing the potential spread of SARS if it returns.

- Bioterrorism. Once the threat of anthrax subsided, the federal government's focus was on preparing for a potential smallpox outbreak. Approximately 15,000 healthcare workers were vaccinated. We are reasonably prepared for an outbreak - - medicines are stockpiled, healthcare and emergency workers are trained, and we should be able to contain it.
- Emergency response to Hurricane Isabel. It was a pleasure working with the Emergency Communications Department, the County Administrator and others. The Sheriff's Office, Board of Education and other agencies cooperated and worked well together. The Health Department provided assistance through the nursing group who staffed the shelters and the environmental group. Restaurants and markets that lost electricity were very cooperative with the Health Department inspectors.
- Food Borne Diseases. Environmental Section of the Health Department is responsible for making restaurant inspections. The Department is planning to hold training programs on the proper handling of food. *Commissioner Jarboe asked Dr. Icenhower to look into a request from a Bed and Breakfast operation that is seeking guidance on regulations regarding food service. These very small operations are looking for ways to serve a substantial breakfast to customers without having to purchase restaurant grade kitchen equipment.*
- Traffic Accident Reduction – The Health Department is working the Sheriff's Office and Board of Education on programs to reduce speeding and reckless driving in the County.
- Medical Transportation Service. An excellent medical transportation system is now in place as a result of a \$400,000 grant from the state and the hard work of Mary Woods. The system received an award from Texas A&M University for this unique project.
- Children's Health. The rising number of overweight children has become a nationwide health issue. Cases of type II diabetes and asthma are increasing among young children. We are working with the Board of Education to help address this issue. A few schools are experiencing mold problems. While not a huge problem, if one is allergic to mold it can trigger asthma. The schools contracted with an excellent consultant and we are working with them to address reducing the humidity that is causing the mold.
- School Nurse Program. The School Nurse Program is expanding. A nurse has been hired to act as coordinator for the non-public schools to help ensure that public health care is available in all schools.
- Office Space. The Health Department needs additional office space. Appreciate the response from County Administrator and Building Services to correct our severe humidity problem.

Commissioner Dement moved, seconded by Commissioner Mattingly to adjourn as the Board of Health and reconvene as the Board of County Commissioners. Motion carried.

MEMORIAL SERVICE

A memorial service was held in recognition of former county staff members Francis F. Gray and William Larry Taylor who passed away in May and June 2003, respectively. Family members joined the Commissioners in remembering Messrs. Taylor and Gray and their service to the county.

COMMISSIONERS DEPART

The Commissioners departed to visit the Callaway A&W Mobil, site of the temporary Piney Point Lighthouse partial museum exhibit and gift shop, and to participate in the ribbon cutting for the new Great Mills swimming pool.

PUBLIC MEETING

Present: Delegates John L. Bohanan, Jr. and John F. Wood

Presentations of the following FY2004 Legislative Proposals were provided where noted. Any public comments there were offered appear after each proposal.

1. Impact Fees (*presented by John Savich, Director, DECD*)

- a. Defer or Waive Impact Fees for Affordable Housing
- b. Provide for Exemption from Payment of Homestead-Based Taxes
- c. Expand local authority to allocate portion of proceeds of economic impact fee imposed on new residential construction to solid waste management.

Public Comments:

Rick Tancreto, 16271 Thomas Road, Piney Point

Representing Board of Directors of Patuxent Habit for Humanity. Came before the Commissioners at a previous meeting requesting support. Appealing now to the Delegates and Senator Dyson to support waiving of the impact fee. The County will more than recoup the lost impact fees from property taxes paid by owners of Habitat homes.

Rosina Maiers, 16271 Thomas Road, Piney Point, President SMC League of Women Voters

League is very concerned about affordable housing and has been working at the state level on these issues since 1982. The League endorses the view that non-profit organizations that develop affordable housing should be given the opportunity to have impact fees waived.

Comments from the Delegates included Delegate Bohanan's concerns that there are no recap provisions or limitations.

2. Extend Sunset Date on the Imposition of Transfer Taxes in order to plan for the capital needs of the County. (*No public comments received*)
3. Revise the current Fire Tax to allow the Volunteer Rescue Squads and Advanced Life Support Unit to impose such a tax, and also to provide that the tax includes covering certain expenditures that had previously been identified as being funded by the County property tax. (*presented by Elaine Kramer, Finance Director*)

Public Comments:

Michael Barnett, Chief, Advanced Life Support Unit, 27205 Widow Lane, Mechanicsville

While in favor of the proposal, have some concerns about the implementation, particularly: ALS costs lumped together with the rest of the County costs and some ALS costs not covered. It is difficult to properly manage with the large budget differentials from year to year. ALS should be segregated similar to rescue squads. Current system does not permit taking advantage of multi-year, discounted purchases. Make sure you understand implementation problems before making final decision.

Mark D. Miller, 21388 Carmen Woods Dr., Lexington Park; President, Lexington Park Volunteer Rescue Squad

Thank BOCC for raising our per call rate, thank citizens of 8th District and members of LPVRS who support and fund us through donations and fundraisers. Volunteers worked 31,792 hours last year. We request a funding system that is equitable and fair to all rescue squads in the County and all citizens. Need to create a funding system that allows the existing rescue squad funding to be maintained (the per call costs) but also creates a system that allows a rescue squad that has an increased cost to augment with a tax based system. Should look at the needs that caused the funding problem: call volume, increased fuel, supplies and insurance costs. Our cost cutting practices have allowed us to keep going. We support the growth of a fire tax system into an emergency systems tax, but request per call payment be maintained in addition to having augmented additional tax available. *Agreed to provide breakdown on timing of call volume from EMA for Raley.*

Ronnie Mattingly, P.O. Box 108, Abell; Vice President, 7th District Volunteer Rescue Squad

All are facing same financial problems. 7th District is living on memorials. This might not be the perfect answer, but appreciate something being done.

Harry Koehler, Box 91, Piney Point

The current fire tax formula was developed in 1980. Need to go to a higher per call rate or raise the base. There is an Association meeting next Thursday – will ask members for their input.

The Delegates agreed that this is an important issue that needs to be addressed, but that this proposal may not be the best answer. Delegate Bohanan's concerns centered around a desire to have an across the board way to fund and not place a specific additional tax on one geographic area. Delegate Wood asked to see more financial details, such as what each department might get at \$45 per call rate.

Following extensive debate on this proposal, Commissioner McKay suggested that a work session could be scheduled to further discuss this issue.

4. Clarify the responsibility of sidewalk maintenance by assigning levels of responsibility within road right-of-ways. *(No public comments received)*
5. Office of Sheriff *(presented by Sheriff David Zylak)*
 - a. Demarcate the salary of the Sheriff; appointment of deputies, grants law enforcement and correctional officers the ability to bargain collectively with the Sheriff; outlines the duties and responsibilities of the Sheriff and Office of the Sheriff.
 - b. Establish a Gaming Permit Review Board for SMC that will clearly define the Authority of the Board of County Commissioners for gaming events, including Bingo.
 - c. Establish authorized programs such as Home Detention and Work Release.

Public Comments:

William Rishel, 4437 Joy Chapel Road, Hollywood; VP and official spokesperson for Correctional Officers

Association

The Association supports proposals 5a and 5c as presented by Sheriff Zylak. We believe that collective bargaining will improve morale and help with staffing issues.

William Raddatz, President, Fraternal Order of Police

We support legislative proposal on collective bargaining. Bargaining would be for working rules only. Sheriffs change. Need a set of rules in place that both parties can follow no matter who the Sheriff is.

Shane Mattingly, Leonardtown

I have concerns with page 2, Addendum A, 120-2, Section 2. This is a sea change. It takes authority away from BOCC. I urge you to look closely at this. It could result in the Sheriff hiring deputies that are not in the budget. If going to ask for extra authority, make sure house is in order – look how current issues are being handled.

Mike Suessmann, Leonardtown

Overall, support collective bargaining, but want to bring to things to your attention: (1) Regarding page 8, proposal #, paragraph f – you don't want an agreement negotiated by the Sheriff until you have locked the money down first. It needs to be tweaked so that you have an opportunity before an agreement is signed to have input on whether things that cost money can be funded; (2) paragraph g on page 8, agreements negotiated by the Sheriff should end a month or two after term ends. An outgoing Sheriff shouldn't be able to bind successors for next two years.

6. St. Mary's Metropolitan Commission (*no public comments received*)

- a. Enable MetCom employees to join the Maryland State Employees Pension System, to receive credit for 50% of their prior service, and to define those employees eligible for participation.
- b. Designate the Commanding Officer of the Patuxent River Naval Air Test Center as a non-voting member of the Metropolitan Commission

7. Clare Whitbeck, citizen (*no public comments received*)

Make changes in the St. Mary's County Open Meetings Law: require any organization receiving public funds to be held to the same meetings standards of openness as County government; repeat open meetings language from Section 4-201(a) in 4-203(a); delete section that exempts staff meetings from being noticed; require that employees be notified in writing prior to his/her contract being discussed so that employee can request an open session for discussion if so desired.

1. To provide dedicated funding source for Watermen's Assoc. Oyster Repletion Program (*presented by: Robert T. Brown*)

Public comments:

Tom Russell, 43990 Commerce Ave, MetCom

Opposed to this proposal. Discharge is far cleaner than what is in the Bay. Strongly oppose surcharge to our customers.

The meeting adjourned.

Minutes Approved by the

Board of County Commissioners on _____

Donna Gebicke, Administrative Assistant

to the Board of County Commissioners