

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, November 13, 2007**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)

The Board of County Commissioners attended a breakfast at the Garvey Senior Center hosted by the Department of Aging, Home and Community Based Services Division, in recognition of National Family Caregivers Month.

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:35 AM.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize the Commissioner President to sign the Check Register dated November 13, 2007, as submitted. Motion carried 4-1. Commissioner Raley voted against the motion. There was Board discussion about charges on page 37 and 39 regarding printing business cards. The general discussion was that business cards should be printed in-house.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of November 6, 2007, as presented. Motion carried 5-0.

**SOUTHERN MARYLAND CHILD CARE RESOURCE CENTER:
INTRODUCTION OF NEW DIRECTOR**

Present: Becky Stevens, (retiring) Director, SMCCRC
Siobhan Ponders, (incoming) Director, SMCCRC

The Southern Maryland Child Care Resource Center (SMCCRC) is a private, non-profit agency that works with parents, child care providers, businesses, and community

organizations to help promote the availability of quality child care in Calvert, Charles, and St. Mary's Counties. Ms. Stevens, who is retiring the end of November, introduced Siobhan Ponders as the in-coming director.

RETIREMENT PROCLAMATION: JOSEPH W. "BILLY" BOWLES

Mr. Joseph W. "Billy" Bowles was recognized for his sixteen years of service with St. Mary's County Government, Department of Parks and Recreation.

COUNTY ADMINISTRATOR

1. Draft Agendas for November 20, 2007 (no BOCC meeting on Tuesday, 11/27/07)
2. **Recreation, Parks and Community Services** (*Phil Rollins, Director; Laschelle Miller, Town Administrator*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Program Open Space Conversion Application for the Port of Leonardtown Park and Winery Project. Motion carried 5-0.

3. **Dept. of Public Works and Transportation** (*George Erichsen, P.E., Director*)

(Jackie Fournier, Transportation Mgr.; Cathy Zumbrun, Assistant Dir., Dept. of Social Services and Chair of St. Mary's Co. Human Services Transportation Committee)

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve the application to the Maryland Transportation Administration for 80% federal funding (JARC and New Freedom) and 20% County funding to hire a Mobility Manager, one new FTE at a grade 7 with full benefits. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Public Works Agreement Addendum for Leonardtown Farms Subdivision, Section 1, located in the 3rd Election District with an Expiration Date of November 1, 2008. Motion carried 4-0. (Commissioner Dement was absent for the vote.)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the Deed, and to sign the Resolutions accepting Athlone Drive, Brawny Street, Kilkenny Place, Fore Edwards Court, Shannon Street, and Curley Court into the County's Highway Maintenance System, located in the Hickory Hills North Subdivision, Sections 1 and 2, 8th Election District, and to post 25-mph speed limit and stop signs on said roads. Motion carried 4-0. (Commissioner Dement was absent for the vote.)

4. **Commission Appointment** (*John Savich, County Administrator*)

Commissioner Jarboe moved, seconded by Commissioner Raley, to appoint Keenon M. James and Xavier Prines to the Solid Waste Advisory Committee, terms to expire 12/31/2010. Motion carried 4-0. (Commissioner Dement was absent for the vote.)

5. **Dept. of Public Safety and Sheriff's Office** (*Dave Zylak, Director; and Sheriff Cameron*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the Memorandum of Agreement between the Maryland Emergency Management Agency and St. Mary's County for the Federal Fiscal Year 2007 Homeland Security Grant Program, and to approve and authorize Commissioner President Russell to sign the Memorandum of Agreement and the related Budget Amendment, with the understanding that the BOCC will review expenditure of funds for the Public Safety Department prior to being spent. Motion carried 5-0.

6. **Walden Sierra and Dept. of Human Resources** (*Dr. Kathy O'Brien, Director of Walden Sierra and Chair of the Family Violence Coordinating Council; Sue Sabo, Director of Human Resources*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve two additional representatives as members of the Family Violence Coordinating Council, one representative from the St. Mary's County Health Department and one representative from the Maryland Division of Parole and Probation, and to sign the proposed amendment to Resolution No. 2006-48 establishing these two additional representatives, with an effective date of November 13, 2007. Motion carried 5-0.

7. **Dept. of Economic and Community Development** (*Bob Schaller, Director*)

(Carolyn Laray, Tourism Manager)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the FY2008 County Cooperative Marketing Grant Agreement between the Maryland Tourism Development Board, an agency of the Department of Business and Economic Development, and the Board of County Commissioners for St. Mary's County, and to sign the Budget Amendment reflecting an increase in the FY2008 Tourism Marketing Grant, Project No. MD0817, by \$8,741. Motion carried 5-0.

(Robin Finnacom, Executive Director, Community Development Corporation)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the First Amendment to the Original Memorandum of Understanding of October 18, 2005, between the Board of County Commissioners and the Community Development Corporation, that will provide supplemental funding in the amount of \$50,000 to secure an option to purchase the Bay District property, and to sign the related Budget Amendment. Motion carried 5-0.

8. **County Administrator (on behalf of the Tri-County Council)**

Wayne Clark, Executive Director, Tri-County Council for Southern MD, presented. **Commissioner Jarboe moved, seconded by Commissioner Raley, to approve the Tri-County Council for Southern Maryland's submission of a grant application for funding through the Maryland Transit Administration's New Freedom/Job Access Reverse Commute Programs in order to support the Southern Maryland Arranging Regional Trips (SMART) Program. Motion failed 2-3.**

Commissioners Raley, Mattingly, and Dement voted against the motion. There was Board discussion regarding the similarities with responsibilities that the Mobility Manager, pending availability of federal funding and position creation, (County Admin. Item # 3a), will be tasked with and that this grant is for the same funding source. Additionally, the County is exploring the feasibility of forming a Human Services Division to improve service efficiencies among the various departments and agencies.

DEPT. OF ECONOMIC & COMMUNITY DEVELOPMENT: RECOGNIZE WINNERS OF THE ROCKIN' & REEL-IN FISHING CONTEST

Present: Carolyn Laray, Tourism Manager
Beverly Brown, Tourism Coordinator

The following 2007 contest winners were recognized:

- Winning Croaker, \$1000 – Gerald Tucker of Lusby, MD; caught aboard the Shannon IV with Capt. Randy Powers. 2nd Place Croaker, \$500 – Carl Ruiz of Gaithersburg, MD; caught aboard Miss Maggie with Capt. Jason McLaughlin.
- Winning Bluefish, \$1,500 – Michael Demory of Frederick, MD; caught aboard Chesapeake Charm with Capt. Phil Langley. 2nd Place Bluefish, \$750 – Jon Reinford of Newville, PA; caught aboard Poor Boys Lady with Capt. Joe Scrivener.
- Winning Rockfish, \$2500 – Michael Crone of Thurmont, MD; caught aboard Chesapeake Charm with Capt. Phil Langley. 2nd Place Rockfish, \$1,000 – Al Morgan, Jr. of Great Mills, MD caught aboard Chesapeake Charm with Capt. Phil Langley.

Ms. Brown thanked the event's sponsors, the Chamber of Commerce, the boat captains (18 of which were St. Mary's County Charter Boat Captains), and the event participants. Checks, totaling \$7,250, were presented to the winning anglers.

EMERGENCY SERVICES COMMITTEE ANNUAL REPORT

Present: Keith Fairfax, Chair
Ferd Reetz, Secretary
Bob Bean, member

The Emergency Services Committee supports the Emergency Services Provider (ESP) units in St. Mary's County; i.e., Department of Public Safety, Volunteer Fire Departments, Volunteer Rescue Squads, and the Advanced Life Support Unit. ALS, rescue squads, and fire departments responded to a total of 13,003 calls in 2006.

The annual report presentation included a review of significant activities and challenges for 2006. Challenges encountered were identified as: long lead times for the Revolving Loan Fund program through Finance and Legal (interested in streamlining and reducing the time between the request and fund availability to within six months), review of payback periods for high costs capital purchases, performance of pager and 800 MHz systems, funding concerns for High School Career Technology Program, availability and number of volunteers for response, and recruitment and retention of Emergency Service Providers.

Mr. Fairfax provided a walk-through of various statistical and trend data; e.g., ESP number of calls for 2002 through 2006. Mr. Bean provided a walk-through of volunteer response force profile data; e.g., retention and recruitment, length of service profiles, and emergency services cost and value information. It was suggested that what's missing is the comparison of ESP trend and analysis data relative to the County's growth data. The presenters suggested that Finance and Public Safety could use the trend and analysis data to assist with future planning for emergency services within the County.

The presenters also reviewed plans for the current year (FY2007):

- Support the Volunteerism Task Force.
- Submit update of the revolving loan procedure.
- Submit and support legislative proposal to change the amount to borrow for apparatus purchase from 75% to 90%.
- Enlist Metrocast to assist in recruitment and retention program.
- Continue to support the recruitment and retention college/trade scholarship program (14 scholarship awards in 2006).
- Continue to pursue performance issues and re-banding of 800 MHz radio system (and consider additional towers to improve performance; need four additional towers).
- Master Plan Update – four possible consultants available.
- Inter-county radio communications, (St. Mary's in Calvert and St. Mary's in Charles), issues with dropout "dead spots" need to be resolved.
- Review Maryland Fire Service Health and Safety Standard for ESP Implementation.
- Coordinate with the Public Safety Director to enhance support to Emergency Service Providers.

The 2007 Emergency Services Annual Report was submitted to the meeting recorder.

ADEQUATE PUBLIC FACILITIES TASK FORCE DISCUSSION

Present: Jack Candela, Co-Chairman
 Ford Dean, Co-Chairman
 Denis Canavan, Director, LU&GM, and Task Force member

Mr. Canavan provided background on the APF Task Force that has been meeting for over two years. The Task Force recommendations were forwarded to the BOCC in the fall of 2006, which were subsequently forwarded to the Planning Commission (PC). The PC forwarded their recommendations to the BOCC in March 2007. Those recommendations and information regarding subsequent work of the Task Force was provided to the Board.

Mr. Dean identified the items previously provided to the Board:

1. Initial presentation by the County Chamber of Commerce APF task force to the BOCC, titled Adequate Public Facilities, dated 1/10/06. The purpose of the initial presentation was to bring to the BOCC's attention statistical information relative to historical population growth rates, information about the disconnect between the current Zoning Ordinance method of determining the adequacy of school capacity and the actual school enrollment growth projections, and to begin discussions to develop specific recommendations.
2. The APF task force submitted five recommendations for the BOCC's consideration on 9/19/06. A joint meeting was held with the BOCC on 10/10/06. The BOCC requested the primary recommendation; i.e., adoption of a County Growth Policy, be more specifically addressed.
3. A proposed Resolution pertaining to the adoption of a Growth Management Policy for St. Mary's County was drafted and transmitted on 3/29/07.
4. Via transmittal dated 7/11/07, proposed Text Amendments to the County Zoning Ordinance and the County Subdivision Ordinance were submitted to the BOCC.

Of the County's three high school districts; i.e., northern – Chopticon High School, central – Leonardtown High School, and southern – Great Mills High School. Two districts are closed to major residential development. LU&GM has calculated that potentially 626 new lots could be approved in the Great Mills High School district. Based on enrollment statistics (capacity), it will be 2012 and 2015 to qualify for funding a new middle and high school respectively. The solution offered was to adopt a growth policy, which would allow for continued growth at a rate consistent with the County's ability to provide public infrastructure to support the growth.

Mr. Dean suggested the following tasks and timeframe to move forward with the growth policy:

1. The Director, LU&GM, working with Legal, prepares documents and conduct public hearing (45 days).
2. Upon completion of the public hearing, forward resulting documentation to the BOCC, PC, and to the APF task force.
3. Within 60 days, the PC and the APF task force submits written analysis to the BOCC.
4. The BOCC takes position and would then instruct the Director, LU&GM and the County Attorney as to what amendments, if any, should be made.
5. Upon finalization of the public hearing documents, the PC and the BOCC would conduct a joint public hearing.

6. At the conclusion, the BOCC would take final action, as it deems appropriate.

Because of the work that has been completed thus far, Mr. Canvan stated that LU&GM can support the proposed timeframe. Mr. Savich said that he and Mr. Canavan will consult with the County Attorney before presenting a recommended timeline next week. Mr. Dean added that the other four recommendations contained within the report, though not as urgent, are significant and should be revisited.

COMMISSIONER'S TIME

The Commissioners highlighted events for the past week and personal interest items.

MOTION TO ENTER INTO EXECUTIVE SESSION:

Commissioner Dement moved, seconded by Commissioner Raley, to enter into Executive Session for the purpose of Real Property Acquisition matters, specifically, discussions regarding acquisition of property for future FDR Blvd. and acquisition of property from First Missionary Baptist Church. Motion carried 5-0.

EXECUTIVE SESSION

Real Property

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
~~Commissioner Daniel H. Raley~~ (absent)
John Savich, County Administrator
Sabrina Hecht, Chief of Staff
Christy Chesser, County Attorney
Liz Passarelli, Real Property Manager
Denis Canavan, Director, Land Use & Growth Management
George Erichsen, Director, Public Works & Transportation
Robert Schaller, Director, Economic & Community Development

Donna Gebicke, Recorder

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

Time Held: 2:38 p.m. – 3:09 pm

Action Taken: Commissioners discussed acquisition of property for future FDR Blvd and acquisition of property from First Missionary Baptist Church

ACTION FROM EXECUTIVE SESSION (motion taken in open session)

Commissioner Mattingly moved, seconded by Commissioner Dement, to direct staff to proceed as discussed in Executive Session on matters related to Real Property acquisition. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Dement, to adjourn and reconvene at the public hearing at 6:30 pm. Motion carried 5-0.

PUBLIC HEARING: TO RECEIVE PUBLIC COMMENT RELATIVE TO THE BOARD OF COUNTY COMMISSIONER'S CONSIDERATION OF THE ADOPTION OF THE CODE FORM OF HOME RULE GOVERNMENT

The first public hearing to receive public comment regarding BOCC's consideration of adopting the code home rule form of government was held at the Northern Senior Center in Charlotte Hall, beginning at 6:30 PM. Christy Holt-Chesser, County Attorney, provided an overview of the code home rule form of government that included historical background information, a comparison overview relative to the commissioner form of government, and the process and procedure for becoming a code home rule county. Copies of documents regarding the forms of government in Maryland and a comparison of code home rule to commissioner form of government were available on the sign-up sheet table.

Commissioner President Russell noted that there will be three additional public hearings regarding the subject matter and that the record for accepting public comments will remain open ten days after the last public hearing, scheduled for February 5, 2008. The remaining public hearing schedule was

announced as follows: 12/4/07 at the Lexington Park Library; 1/15/08 at the Ridge Volunteer Fire Department, and 2/5/08 at the Governmental Center in Leonardtown. All public hearings will begin at 6:30 p.m.

Public Testimony:

David H. Mattingly, P. O. Box 1934, Leonardtown, MD 20650-1934

Mr. Mattingly provided testimony regarding what he feels are the pro's and con's of the code home rule form of government. With the commissioner form of government, commissioners submit legislative proposals for local issues. With code home rule, this will be eliminated.

Positive: 1.) St. Mary's County officials and interested citizens approve or reject additions or changes to county protocol. 2.) By relieving the delegation of local issues, they can concentrate on more pressing, general issues. 3.) More expedient discussions and resolutions regarding local policy.

Negative: 1.) Eliminates one of the 'checks and balances' of the government system. 2.) Loss of local exposure (voice in Annapolis). Considering the positives and negatives, Mr. Mattingly voiced support for the code home rule form of government.

Daphne McGuire, 26070 Laurel Grove Rd., Mechanicsville, MD 20659

Mrs. McGuire posed a question to the Board regarding any issue that has come up in the last two years that would be been handled differently under a code home rule form of government.

Commissioner Raley responded regarding MetCom's request to change membership terms from three to five years, consistent with the Planning Commission. The BOCC signed-off (supported) and it didn't get passed (in Annapolis), probably due to workload.

Commissioner Dement commented regarding the proposal (last year and was resubmitted this year) to change the penalty for serving minor alcohol from \$500 to \$1000.

It was acknowledged by the County Attorney, Christy Holt-Chesser, that approximately ½ of the 2008 legislative proposals (10 of 20) could have been handled locally under code home rule.

The Public Hearing was closed at 6:55 PM. Commissioner Russell reiterated the open record period and the schedule for the remaining public hearings.

ADJOURNMENT

The meeting adjourned at approximately 7:00 PM in conjunction with closing the public hearing.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator