ST. MARY'S COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING GOVERNMENTAL CENTER Tuesday, July 13, 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)

The following minutes were recorded by Kate Mauck:

CALL TO ORDER

The meeting was called to order at 9:12 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, June 29, 2004. Motion carried.

DEPARTMENT OF HUMAN RESOURCES: ONE HUNDRED AND TWO HUNDRED DAY CLUB AWARDS

Present: Randall Schultz, Director of Human Resources Tara Klotz, Deputy Director of Human Resources

The Board of County Commissioners presented the following employees with One Hundred and Two Hundred Day Club Awards:

ONE-HUNDRED DAY CLUB AWARDS:

DFC Michael W. Butler Margaret S. Childs Sgt Andrew J. Cusick George A. Erichsen DFC Edward B. Evans Cpl Steven A. Hall Cpl Paulo R. Martinez Robert E. Oliver George L. Spalding Cpl Eric D. Sweeney DFC Earl W. Young

TWO-HUNDRED DAY CLUB AWARDS:

DFC Timothy I. Butler Capt Kenneth L. Cusic Jeffrey G. Jackman Lt Lyle E. Long William E. Russell DFC Kevin D. Somerville Oliver D. Stewart Stanley J. Williams, Jr.

PROCLAMATIONS

The Board of County Commissioners issued the following Proclamations:

- · National Recreation and Parks Month
- National Resource Conservation and Development Week

COUNTY ADMINISTRATOR

- 1. Draft Agenda for July 20 and July 27, 2004
- 2. Southern Maryland Tri-County Community Action Committee, Inc. and County Attorney

Present: John Norris, III

Norma Pitt, SMTCCAC, Human Resources

Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign Resolution setting and accepting payment in lieu of property taxes for an affordable housing project at Great Mills Court. Motion carried.

3. Sheriff's Department and Finance Department

Present: Sheriff David Zylak
Erin Gass, Fiscal Manager
Elaine Kramer. Finance Director

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Budget Amendment (\$32,245) transferring funds from various Salary Accounts to Temporary Part-time to pay the salary of the part-time CALEA Coordinator and Fiscal Specialist. Motion carried.

Sheriff Zylak provided an update on the anticipated budget and future staffing requirements that would be needed for CALEA.

4. Real Property Manager

Present: Joyce Malone, Real Property Manager

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Easement Agreement with SMECO for electric service to the Charlotte Hall Senior Center and fire pump. Motion carried.

5. Real Property Manager and Recreation, Parks, and Community Services

Present: Joyce Malone, Real Property Manager Phil Rollins, Director, Recreation, Parks, and Community Services John Norris III, County Attorney

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign lease agreement with Theodore Cardinal McCarrick for lease of the Cardinal Gibbons Institute Memorial Park, located at St. Peter Claver Church. Motion carried.

6. Recreation, Parks, and Community Services and Maryland State Police

Present: Cynthia Brown, Community Services Manager Walt Biscoe, Community Services Coordinator Captain Michael Spaulding, Commander, Maryland State Police

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign contract for Extraordinary Law Enforcement Services. All Commissioners present at the table voted in favor. Motion carried.

Commissioner Mattingly temporarily stepped out of the meeting at this time.

7. Recreation, Parks, and Community Services

Present: Cynthia Brown, Community Services Manager Walt Biscoe, Community Services Coordinator

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Memorandum of Agreement for the AmeriCorps*VISTA project renewal. All Commissioners present at the table voted in favor. Motion carried.

Commissioner Mattingly returned to the meeting at this time.

8. Recreation, Parks, and Community Services and Finance Department

Present: Phil Rollins, Director, Recreation, Parks, and Community Services Elaine Kramer, Finance Director

Commissioner Raley asked the Department of Recreation, Parks, and Community services to contact him tomorrow regarding a large tank, which is floating in Tanner's Creek, to see if they might be able to provide assistance with its removal.

a. Commissioner Raley moved, seconded by Commissioner Jarboe, the following:
Part 1) To approve and authorize the Commissioner President to sign Budget Amendments
(Nos. 1, 3, & 4) related to close out/reduction/transfer of funds to the capital reserve account on
three capital projects (Laurel Grove Expansion, Derelict Boat Removal Grant & Three Notch
Trail); and Part 2) To approve and authorize the Commissioner President to sign Budget

Amendment Number 2 to combine two project numbers into one for Nicolet Park Expansion. Motion carried.

Also Present: Bill Ball, Parks Manager

b. Commissioner Jarboe moved, seconded by Commissioner Dement, the following: Part 1) To approve and authorize the Commissioner President to sign Application and Project Agreement for \$99,000 Waterway Improvement Fund grant relative to the Isabel-Piers-Wharf Project #PL0401 for Bushwood Wharf; and Part 2) To approve and authorize the Commissioner President to sign Budget Amendment related to Waterway Improvement Fund grant award and realign revenues to account for additional FEMA funds received relative to the same project; and Part 3) To approve and authorize the Commissioner President to sign Budget Amendment for additional FEMA funds received relative to the Isabel-Piers-Wharf Project #PL0401 for the Piney Point Lighthouse. Motion carried.

9. Human Resources Department

Present: Randall Schultz, Director

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment transferring funds from Commissioners' Reserve to the Department of Human Resources for the purpose of the summer internship program. Motion carried.

10. Department of Economic and Community Development

Present: John Savich, Director, Economic and Community Development Robin Finnacom, Lexington Park Plan

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Commitment Letter of July 2, 2004 from MD DBED. Also, approve and sign Resolution endorsing the conditional funding commitment of MEDAAF application. Motion carried.

11. Department of Economic and Community Development and Department of Public Works and Transportation

Present: Robin Finnacom, Lexington Park Plan John Groeger, Deputy Director, DPW&T Joyce Malone, Real Property Manager

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Easement Agreements for Pathways to Schools Project. Motion carried.

12. County Treasurer

Present: Jan Norris

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Budget Amendment to cover additional funds needed to fill Fiscal Technician position. Motion carried.

13. Land Use and Growth Management

Present: Sue Vieth, Environmental Planner

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize an adequate representative to sign contract with DNR regarding Chesapeake Bay Critical Area Commission. Motion carried.

14. Appointments – Boards and Committees

The following appointments to Boards, Committees and Commissions were presented to the Board of County Commissioners for approval:

Boards, Committees and Commissions Appointments

Terms To Expire Commission for Women

Trisha Dunn 6/30/2007

Kathryn Falter 6/30/2006

Debbie Greco 6/30/2007

Jessica Kriss 6/30/2006

Norma Pipkin 6/30/2005

Emergency Services Committee

George Gatton - Ridge Volunteer Rescue Squad Alternate

Ethics Commission

Joseph B. Bush 6/30/2007

Arthur Goeller – Alternate Member 6/30/2007

Housing Authority Board

Joan Gelrud – Reappointment 6/30/2009

Douglas Samuel – Reappointment 6/30/2009

Human Relations Commission

Debbie Greco 6/30/2007

Bernadette Lewis – Reappointment 6/30/2008

Melvin A. McClintock – Reappointment 6/30/2008

Mental Health and Addictions Advisory Council

Jennie Page 6/3/2007

Metropolitan Commission

Tim Wood 6/20/2007

Nursing Center Governance Board

Ernest Williams – Reappointment 6/30/2008

John W. Duchesne 6/30/2008

Wayne Reeves 6/30/2008

St. Mary's Interagency Children's Council

Barbara Bechtel – Reappointment 6/30/2007

Sheila Draper – Reappointment 6/30/2007

Paul Fancella – Reappointment 6/30/2007

Susanne Gibbs – Reappointment 6/30/2007

Katherine Hankey – Reappointment 6/30/2007

Robin Ray Martin – Reappointment 6/30/2007

Mark Smith – Reappointment 6/30/2007

Jo Stuble – Reappointment 6/30/2007

Yvonne Ward – Reappointment 6/30/2007

Patricia Wince – Reappointment 6/30/2007

Social Services Board

Drew S. Hardgrove 6/30/2007

Solid Waste Advisory Committee

David A. Zorychta 12/31/2006

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign the letters of appointment. Motion carried.

15. Department of Public Works and Transportation

Present: Scott Alexander, Engineer John Groeger, Deputy Director

The Department of Public Works and Transportation provided an overview for the pressing need for dredging a canal located in St. Jerome's Creek. The creek was last dredged in 1991, and has since been shoaling in. The Army Corps of Engineers has budgeted in FY2006 to complete the dredging, however, the need for preliminary work, i.e., design and engineering, to begin on the project has become a matter of expediency. The County was asked to authorize up to \$100,000 to enable preliminary work to begin on the project by August 1st.

This would allow the Army Corps of Engineers to begin their part of the project during the winter. It is uncertain whether the State of Maryland would reimburse the County for the cost of the funding for the preliminary work.

Commissioner Mattingly asked Mr. Alexander to pull together a list of channels in St. Mary's County that fall under the Army Corps of Engineers' jurisdiction.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Budget Amendment to transfer funds from CIP Reserve fund to DPW&T for Architect/Engineering fees associated with environmental assessment of St. Jerome's Creek dredging. Motion carried.

16. Employment Contract

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign employment contract of John Savich, Director of Economic and Community Development. Motion carried.

COMMISSIONERS' TIME

Commissioner Dement

Reported that all the Commissioners attended Congressman Hoyer briefing on BRAC 2005.

Reported that he, along with Commissioner Jarboe and Commissioner McKay, attended the Golden Beach Fourth of July celebration, which was a good event.

Reported that Commissioners attended the Governor's Ribbon-cutting event for Route 235.

Reported that he, along with Ms. Gwen Bankins, presented a Proclamation to Mr. Tyrone Harris at Chancellor's Run Regional Park, due to his efforts in violence prevention. Expressed congratulations to Mr. Harris for the proclamation and also upon the celebration of his 50th birthday.

Commissioner Mattingly

Expressed congratulations to Captain Swanson upon the completion of his tour as Commanding Officer of Patuxent River Naval Air Station, and also expressed congratulations to Captain Henry, who is now the new Commanding Officer.

Reported that he attended a MALPF Agriculture Land Preservation Task Force meeting that was held last week. Final report is not yet complete....the Farm Bureau is not satisfied with some parts of the report, and there are some things in the report that could affect agricultural land preservation and local funding due to local zoning, which some of the members of the Task Force as well as the Farm Bureau are not happy with.

Some of the Commissioners attended the River Concert recently, and the County was recognized at the event for their support of the event as well as the scholarship program.

Attended the Jazz Festival at the St. Clement's Island Museum recently, which was very successful, with a large turnout of people...many from outside the area. Kim Cullins, along with a lot of others who helped, was congratulated for the excellent job she did putting together the event.

Reminded the Commissioners they still have time to come by the Leonardtown Carnival. It will start back on Thursday night and run through Monday. Reported on details of the Carnival.

Commissioner Jarboe

Commended the state highway driver that performed an evasive action about a week and a half ago, averting what could have been a terrible accident. The driver moved his truck quickly away from an accident, which involved a bus full of disabled individuals, thereby preventing an even worse accident from occurring. Commissioner Jarboe directed that PIO put together a Commendation to the driver.

Commissioner Raley

Attended a retirement ceremony for Mrs. Miles in honor of 28 years at the Nursing Center as a geriatric aide. (Commissioner Mattingly reported that Ms. Dorothy Bond retired after 28 years the week before as well.)

Expressed gratefulness to the Public Information Staff and all the work they have done for the Governor's visit. Although the day was hot, the Change of Command ceremony turned out very well, and PIO found a good Master of Ceremonies.

Stated that the Commissioners were in receipt of a letter from the State Highway Administration that stated the contract has been let out for the resurfacing on Great Mills Road. The cost is \$681,000, and the repaving will start soon. In addition, reported that the State will also continue on and do the entire project with regards to stormwater management and landscaping. Asked citizens to have patience while these important projects are being done.

Commissioner President McKay

Agreed that PIO staff did an excellent job putting together the recent Ribbon-cutting event at the Frank Knox Center.

Reported that he attended a meeting of the monthly Critical Areas Commission meeting. The Commission approved a project for St. Mary's College, where communication tunnels will be tying the buildings together at the College. It is a nice project and will allow for internet access for students throughout the campus.

Reported that Commissioners would be departing the building at 12:45 p.m. after the completion of an Executive Session. Announced the following site visits would be taking place: St. Peter Claver SOSAR Camp, Point Lookout Marina, Spinnaker's Restaurant, Creekside Inn Bed and Breakfast, Drury's Marina, and dinner at Scheible's Restaurant. Stated that ultimately, Commissioners would end up at the Ridge Volunteer Fire Department for their monthly evening public forum. The public was invited to attend.

Commissioner Jarboe moved, seconded by Commissioner Dement, for the Board of County Commissioners to meet in Executive Session in order to discuss Personnel matters as provided for in Article 24, Sections 4-210(a)1. Motion carried.

The following minutes were recorded by Donna Gebicke:

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President Commissioner Kenneth R. Dement Commissioner Lawrence D. Jarboe Commissioner Thomas A. Mattingly, Sr. Commissioner Daniel H. Raley George Forrest, County Administrator Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1 Time Held: 11:45 am – 12:39 pm

Action Taken: The Commissioners discussed personnel matters.

The following minutes were recorded by Kate Mauck:

Commissioner Jarboe moved, seconded by Commissioner Raley, to direct staff to proceed as discussed in Executive Session. Motion carried.

The remaining minutes were recorded by Donna Gebicke:

DEPARTURE

The Commissioners departed to visit several local businesses in the Ridge area and to attend the Public Forum at the Ridge Volunteer Fire Department.

PUBLIC FORUM – RIDGE VOLUNTEER FIRE DEPARTMENT Present: Board of County Commissioners
Delegate John Bohanan

Jennifer Meyer, Representative from Senator Mikulski's Office Army Corps of Engineers: Monte Franklin, Heather Batchelder, Stan Snarski, and Charlie Walker County Staff

Prior to opening the Forum for public comment, the Commissioners took the following action.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the employment contract for the new Public Safety Director, Patrick Walsh. Motion carried.

County Administrator George Forrest read a press release announcing the hiring of Patrick Walsh.

The Public Meeting was opened and the following citizens provided comments:

Sandy Sanderson, 44640 Shallow Ford Court, Tall Timbers, The Landings, MD Want to express concern about the amount of vandalism our community is experiencing. Since 1997 when the Homeowners Association took over we have had more and more vandalism incidents, such as signs, lights, pool covers, mailboxes, and cars damaged and trespassing on private beaches. Most of these acts take place between 2 and 4 am. We have established a neighborhood watch, are working with Sheriff Zylak to follow up on reports to his office, and are talking about the potential to close off access to the road. As taxpayers, we should not have to do it all. Protection of the citizens should be an interest and concern of the County Commissioners, the state, and the court systems. We would like to have more input into the public safety budget and receive information regarding revenue sharing funds and to see the metrics, such as the number of deputies, response time for calls, etc. How much of our tax dollars is coming back to us if we take over the responsibility for Driftwood Lane? Suggestions: curfew for young people in the county, cell phone reception for our area – we need a tower (this impacts our ability to handle our neighborhood watch).

Robert T. Jarboe, 20040 Pearl Hill Rd., Leonardtown, MD

I have 2 issues. 2 years ago the county received authorization that would allow the county to adopt a Right to Farm Ordinance. The Ordinance was presented to the County on September 1, 2003. I request that the Board move forward with adoption of the Ordinance. Some of the same people have worked on a proposal for Transfer of Development Rights Program Procedures. They are expected to officially sign off on a draft proposal soon (a copy was provided). A public hearing could be held that covers both the Right to Farm and TDR Ordinance. In addition, I don't think the Indian Bridge Road site is the place for a school. It should be in the Development District, not in an RPD zone. The proposed site will open the area for more development as well as traffic. You should look at the state property from Norris Road which is off Chancellors Run Road. This would place the school back in the Development District. I'm surprised environmental groups have said nothing. Remember, the thinking behind the Comprehensive Plan is to direct growth into the Development District - - the area of planned water, sewer and roads.

Bernie Gascon, 15225 Lake Dr., Scotland, MD

Regarding Rodo Beach Taxing District. We had an informational meeting recently with the Department of Public Works. The estimate for the road is now twice as much as it was originally estimated. We need a legal mechanism to have people pay. We do have a homeowners association, but no legal way to receive money from the homeowners. The estimation we received in 1998 was \$45,000 for a contract to lay gravel and do the ditches. Maintenance was

to be performed by the citizens. This was rejected. People voted for Taxing District, we got the percentage we needed, Public Works is continuing the design process, but we are at a standstill due to costs. The road is in a deplorable condition and is down to the bare bottom.

Roy Fedders, St. Jerome's Creek Citizens Association, 16690 St. Jeromes Neck Road, MD St. Jerome's Creek is filling in. The erosion is from the western shore. What is the possibility of putting in short jetties out in front? The government is not going to continue to pay for dredging. Storms are becoming more frequent. We welcome the new Public Safety Director. Would like to propose that a committee be appointed by the Commissioners to look into FEMA issues such as evacuation of the county based on elevations and protecting communities after evacuations take place. It took the police longer to come down to this area after the hurricane— they stayed in the more populated areas. St. Jerome's Neck Road is 5 miles long and is blue chip tar type road. Did you pave down to where you expected there would be residential development? We would like to get the rest of the road paved from a safety standpoint as much as anything else.

Commissioner Raley responded that the road project was in the works well in advance of any knowledge of the residential development.

Donnie Tennyson - 17945 Trossbach Road, Dameron, MD

I have a problem with Indian Bridge road as a school site -- not for the toad issue, but because it is in the RPD area and it will draw development. There were talks in the past about the long bus rides from rural areas. Norris Road is a better site for a school. ATV's continue to be a problem. As the proprietor of Ridge Hardware, I often hear complaints from customers who are buying chains, ropes and signs to close off their roads. It is a liability issue. Property owners are fearful or retaliation and are also upset that the ATV riders do not ask permission to use their property.

Rocky Rowland, 41720 Sheiloh Way, Hollywood, MD

I want to talk about the environmental aspects of St. Mary's County -- the green program, Rural Legacy, Agricultural Preservation and other programs aimed at preserving farm land. There is a lot of money going to the Flatops. I want to encourage the Board to seek state funds we sent to Annapolis – bring back to the County to preserve farm land. Our Ag Preservation taxes are not coming back to us.

Mike Daras, 15092 Chesapeake Bay Dr., Scotland, MD

Want to share some good news and thank the Commissioners and Congressman Hoyer for working hard for the citizens. Senator Mikulski's office has also helped. We learned today that our insurance proceeds have been increased for hurricane damage to our home and we are starting to rebuild. Thanks also to George Erichsen's department for providing dumpsters for debris after the storm. One problem is that I had to borrow money to pay the transfer tax again (2nd mortgage through Cedar Point). This is not right.

Cate Venango, 15211 Lake Drive, Scotland, MD

We need to get the Rodo Beach special tax district done. The cost estimate for road back in 91 was \$200,000, in 2000 it was \$500,000, and in 2004 it is now over \$1million. There are always people with lots of ideas about what else we should do, but they aren't out there like I am with a shovel trying to patch the road. I have written to the Governor and anyone else that should be able

to help. Can't even get the Enterprise delivered to my home because of the bad road conditions. This issue is tearing our community apart. The original vote for the road taxing district was 68%, it stalled for two years on appeal, two years later it was thrown out. Now, the cost is twice as much. The same man stood up again in the information meeting and said he would sue us. It isn't fair - - those of us who live here - - it's just not right. My taxes have doubled in 8 years and I have gotten zero for it.

Commissioner President McKay provided an update on discussions with the Army Corps of Engineers and their willingness to move forward with the St. Jerome's Creek dredging project. The funding for the dredging remains an issue. Commissioner McKay invited Delegate John Bohanan to speak.

Delegate John Bohanan.

We invited Corps to come down and go through the process and where we are now. They were asked to come down for: obstruction in the creek, dredging issue, and to look at possible site for a jetty. The Congress is unwilling to forward fund and then reimburse the County for the design and engineering. Only funding stands in the way at this point. Best option is to get federal money through appropriations bill. Only way is "plus-up" program.

Commissioner President McKay

What we have done. St. Jerome can't silt it. We can't let this happen. While the Commissioners realize 60-70 waterways need dredging throughout the state, we are worried about St. Jeromes Creek. Today the Board approved \$100,000 in funding for the design and engineering of the project and we previously located sites for deposits. Design and engineering must be completed this year so that we have a plan to meet the environmental window. Another Isabel will close this creek. We asked the Corps to accept funds from the county in order to move the project faster. We understand we may not get the money back. The Corps has not said definitively that they can't accept the funds. It is hoped that Congress and Senate can find the money. If it can't be started soon, let us know and we'll contract to do it. I agree with Bob - the best way would be for the Corps to do the design and engineering. The Corps had indicated they have the time and capability to do it this fall. The issue is money. Next step would be to evaluate when we can get the dredging done. We will try to find a solution. The federal government has an obligation to keep the waterways open. We also asked if there is some way that in the future the federal government could offset \$ (maybe another area). The bottom line is we expect the design and engineering to take place in early fall and dredging as soon as possible thereafter. If the creek shuts off, this Board is ready to do what they must do.

Minnie Russell, 16477 Dunbar Lane, Ridge, MD

Remember that Fire and Rescue use the creek for emergencies to the Bay. I'm sure there are many shoreline property owners on the creek that pay more taxes than most other parts of the state. I note that there appears to be a better plan for cutting grass on roadsides. Great job. Thanks also for your part in getting Rt. 235 completed. What is the status of Rt. 5 at the end? Any change? I understand Mr. Tennyson's concerns about ATV's. It goes back to the parents. When you have less than an acre of property yourself, why would you buy an ATV. It needs to start at the bottom. My son is building a new home and can't get cable because he is on the wrong side of the track. The cable company won't come across the road. Tourism brochure is great.

Regarding the status of the end of Rt. 5, Commissioner McKay responded that final design and engineering funds for the section from the state park to Campground Road are in the 05 budget. There are no funds in the budget yet for construction – we need to get construction funds in the budget.

ADJOURNMENT

The meeting adjourned at 8:23 p.m.

Minutes Approved by the	
Board of County Commissioners on	

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