

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, December 10, 2002**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Donna Gebicke, Administrative Assistant to BOCC (Recorder)

Commissioner Thomas A. Mattingly, Sr. was unable to attend this meeting.

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Raley moved, seconded by Commissioner Dement, to accept the agenda as amended. Motion carried.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, December 3, 2002, as submitted. Motion carried.

PUBLIC HEARINGS: AGRICULTURAL LAND PRESERVATION DISTRICTS

Present: Donna Sasscer, Ag Manager, DECD

- # 02-150-012 William & Barbara McDonald, 27 contiguous acres, 7th District
- # 02-150-013 Francis E. & Madge T. Ebner, 90.56 acres, 7th District
- # 02-150-014 Donna J. Taylor, 50.0 acres, 1st District
- # 02-150-015 Carol Melinda Russell Morgan, 90.43 acres, 4th District

The public hearing was advertised in *The Enterprise* on November 22, and 27, 2002. The hearing was opened and closed with no comments from the public.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the four ALPDs as submitted. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

The BOCC will meet at 9:30 a.m. on Monday, December 16, at the Board of Education offices on Moakley Street. This meeting, hosted by the Board of Education, will include a bus tour of certain facilities.

1. Draft Agenda: December 17, 2002 (no meeting December 24 or December 31).

Commissioner Raley recommended that the pool project on Great Mills Road be addressed on December 17, 2002. It was agreed this subject will be added to the agenda.

2. Grant Agreements
Department of Public Works and Transportation (*George Jarboe*)
To approve and sign the FY 03 Section 5309 and 5311 State of Maryland Capital Grant Agreements

Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize Commissioner McKay to approve the grant agreements. Motion carried.

3. Department of Economic & Community Development/Housing Authority
(*Dennis Nicholson, Director, SMC Housing Authority; John Savich; Director, DECD, and Board members*)
To approve and sign the Resolution endorsing the amendment to the Articles of Organization for SMC's Housing Authority increasing the number of HA Commissioners from 5 to 7

Commissioner Raley moved, seconded by Commissioner Dement, to sign the resolution endorsing the number of Housing Authority Commissioners be increased from 5 to 7. Motion carried.

4. Department of Human Resources (*Dawn Drew, Deputy Director*)
To approve 2003 Schedule of County Holidays

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve the 2003 Schedule of County Holidays. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Dement, to close county offices and provide 8 hours holiday leave for all employees on December 24, 2002. Motion carried.

5. Department of Economic and Community Development (*John Savich, Director, DECD; Dana Jones, Exec. Director, SMTCCAC; Linda Springrose, County Attorney's Office*)
Request BOCC sign the MOU with SMTCCAC, a 501 (c)(3) organization, as the recipient of 20 acres donated by Facchina Group for development of affordable housing. Request the BOCC to sign the letter to the Facchina Group designating SMTCCAC as the organization to receive the donated 20 acres of Hunting Creek PUD to develop affordable housing.

Commissioner Raley asked that DECD provide the Commissioners with a copy of the tax map indicating where this property is located off of Willow Road and where it is in relation to the old Facchina property. Before going forward with the project, it was suggested that a public forum be held to allow residents to discuss their concerns.

The final MOU and letter will be brought back to the Board for action on December 17, 2002.

COUNTY COMMISSIONERS' TIME

Commissioner Raley

- Attended, along with Commissioner and Mrs. Dement, the hospital's 5th annual Tree of Light ceremony sponsored by Hospice. It was a wonderful event sponsored by a great organization.
- On December 9, acted as the auctioneer at the Gingerbread House Auction at Lettie Dent Elementary School. The school has a reading buddy program comprised of second and fifth graders. These students also make the gingerbread houses. The auction last year raised \$800 – this year, with 190 children participating, \$2,100 was raised. Eighty-seven houses were made and sold and 87 lbs of icing was used. A great time was had by all.

- We wish Commissioner Jarboe a happy 50th birthday.
- On Sunday, December 15, in Lexington Park, the Freedom Tree Festival will start at 4:00 p.m. at the former Lexington Park Library building. Later, at 7:30 p.m., everyone will move to Millison Plaza to wait for the arrival of Santa Claus followed by a tree lighting ceremony. There will be lots of fun, games, and refreshments for everyone.

Commissioner Dement

- Attended the Tri County Council meeting with other Commissioners and found it very informative.
- Attended a Christmas party on December 9th at the Willows Restaurant with the Leonardtown Commissioners.
- Apologize to friends in Ridge for not being at their tree lighting ceremony but had to attend to family obligations.
- Wish Commissioner Mattingly's wife a speedy recovery. Please remember her in your prayers.

Commissioner McKay

- The Ridge Rescue Squad installation of officers will be held this weekend.
- Discussed snow removal with George Erichsen, DPW&T. The policy is to have the streets cleared within 48 hours. The county road crews did an excellent job with only a few problems. County road conditions are updated constantly on the website www.co.saint-marys.com, for those interested. Appreciate the patience of contractors who are on standby status.

LEXINGTON PARK PLAN

Present: Robin Finnacom, Director

The Lexington Park Plan blends the past with the future. Financial incentive programs to trigger private investors are offered through the Focus Enterprise Zone, property improvement grants, direct lending programs, and credit enhancement programs. A recent survey indicated the need to improve the appearance of existing buildings along Great Mills Road, to clean up streets, remove trash, power wash buildings, add lighting, police presence, and attract a greater variety of retail businesses and develop special event programming for the public.

Today, there are 23 Enterprise Zones in Maryland. Lexington Park, however, is only one of three Focus Enterprise Zones in the state. The state's purpose in putting together Enterprise Zones and partnering with local governments is to create new family-supporting jobs to revitalize downtown central business districts and to drive visual improvements to an older commercial area. Everything about the Enterprise Zone is an *after* investment incentive. The Focus Enterprise Zone provides a waiver of 80% of the increased real or property tax on new investment to commercial and industrial properties located within the zone's boundaries.

Recommend the Board, in the operating budget for 2004, fund the development of voluntary design guidelines for façade improvements that tie-in with matching grants or other incentives.

RECREATION AND PARKS DEPARTMENT: THREE NOTCH TRAIL UPDATE

Present: Phil Rollins, Director, Recreation & Parks
Dr. Andy Roper, Supervisor Instruction Phys Ed SMCPS and
Advisory Board Member
Dan Donohue, Chair, Recreational Trails Committee
Rec & Parks Advisory Board Members/Recreational Trails Committee Members

\$100,000 is currently appropriated for this project, \$50,000 in County matching funds, and \$50,000 in State MDOT funding. Another \$50-75,000 is expected from a National Recreational Trails Program grant in the near future. The MDOT funding may be lost if not encumbered by January 2003.

The Rec & Park Board voted to recommend that the section of trail (along the right-of-way) from Baggett Park at Laurel Grove north to Route 5, south of Mechanicsville, be the initial part of the trail development. An alternative could be Pegg Road to Wildewood but at an additional cost.

Mr. Rollins recommended talking with individual homeowners along this section of the ROW regarding their concerns. *A written final recommendation for initial trail site will be submitted to the Board early in January for action on January 14, 2003.*

PROPOSED RESOLUTION RE EMPLOYMENT CONTRACT TERMS

Present: John B. Norris, County Attorney

This resolution sets limitations upon employment contracts extending beyond the term of the Board of County Commissioners. This applies to the County Administrator, County Attorney, Department Heads and other non-merit County employees. Employment contracts for such employees will not extend more than six (6) months beyond the term of office of the Board of County Commissioners.

Commissioner Jarboe moved, seconded by Commissioner Dement, to sign the resolution prohibiting the Board of County Commissioners from extending employment contracts for non-merit County employees more than six (6) months beyond the term of office of the Board. Motion carried.

METROPOLITAN COMMISSION BRIEFING

Present: Steven L. King, Director, MetCom
Robert B. Gant, Vice Chair, Board of Directors

Mr. King presented a briefing on MetCom's FY03 Six-Year Capital Improvement Program and State loan applications for three Capital Improvement Projects scheduled for construction in FY03.

MetCom serves 36,000 residents; monitors 200 miles of gravity sewers; operates 25 water systems; pumping capacity of 12.5 millions gallons per day; maintains 190 miles of water mains.

Future Challenges:

- Patapsco Aquifer Study – need to complete to determine reliability of future water supply sources
- EPA Arsenic Rule – level has been lowered from 50 ppb to 10 ppb
- Smart Growth – provides public water and sewer at a cost that provides incentives for developers to build. Traditional funding methods are unaffordable – need to seek alternative funding
- Chesapeake Bay Nutrient Management – Cap nitrogen and phosphorous discharges and recycling for nutrient reduction and water conservation need to be explored
- A meter retrofit program is underway to install 1900+ meters on homes currently without meters (financed by the State at a cost of \$1.5M) Two-thirds of households are metered.
- Wastewater pumping stations at Shangri-la Drive, Essex Drive, and St. Mary's Shopping Center will be replaced by one new station with new interceptor sewers (also financed by the State Water Quality Program).
- Marley-Taylor upgrade will be a \$4.0M project funded partially by Pax River and the State.

EXECUTIVE SESSIONS

Commissioner Raley moved, seconded by Commissioner Dement, to meet in Executive Session to discuss matters of Litigation, as provided for in Article 24, Section 4-210(a)8. Commissioner Jarboe stated he would abstain from the portion of the Executive Session as it pertains to a local newspaper. Motion carried.

Commissioner Raley moved, seconded by Commissioner Dement, to meet in Executive Session at 2:30 p.m. on December 16, 2002 at the Governmental Center to discuss personnel issues re boards and commissions, as provided for in Article 24, Section 4-210(a)1. Commissioner Jarboe voted against the motion. Motion carried 3-1.

Litigation

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

Authority: Article 24, Section 4-210(a)8

Time Held: 2:28 p.m. – 3:54 p.m.

Action Taken: The Commissioners discussed pending litigation matters.

ADJOURNMENT

The meeting adjourned at 3:54 p.m. and reconvened at 6:33 p.m.

**JOINT LEGISLATIVE PACKAGE PUBLIC MEETING
WITH LEGISLATIVE DELEGATION**

Present: Board of County Commissioners, SMC (*Thomas A. Mattingly, Sr. was absent*)
The Honorable Roy P. Dyson (Senator)
The Honorable John F. Wood, Jr. (Delegate)
The Honorable John L. Bohanan, Jr. (Delegate)
The Honorable Anthony J. O'Donnell (Delegate)

ITEMS SUBMITTED BY COUNTY DEPARTMENTS/AGENCIES

1. Department of Planning and Zoning – Critical Area Commission
To address Critical Area Commission for the Chesapeake and Coastal Bays regulatory policy making outside the administrative procedures act. (*Submitted by Jon Grimm, Director, Planning and Zoning.*)
2. Alcohol Beverage Board – Board of License Commissioners
Revision to the applicable section of Article 2B in 2001 did not clarify correctly how said section would continue to apply to the St. Mary's County Alcohol Beverage Board. (*Submitted by Patricia Insley, Board Administrator but presented by Jenks Mattingly and Joanne Wood, Attorney.*)
Mr. Jenks Mattingly stated that as the law reads now, the Board would be unable to turn down liquor licensing on Hwy 235 north to the county line.
3. Department of Economic & Community Development – Nutrient Removal Credits
The biologic nutrient control systems have a great capacity to remove the nitrogen and strategically placed BNC systems in the region of the waste water treatment will provide a method of mitigating this runoff as a much less expensive process.
(*Submitted by Mr. Bob Parkinson through John Savich, Director of Economic and Community Development.*)
An oyster removes nitrogen and phosphorous from the water. Need water quality in the watershed associations. 55 gallons per day per 3 inch oyster of waste are removed from the waters during growing season. One float will handle 27 acres of farm waste.
4. Department of Economic & Community Development – Biologic Nutrient Control
To allow the use of Biologic Nutrient Control (BNC) systems to be regulated as Minor Public Utilities. (*Submitted by Mr. Bob Parkinson through John Savich, Director of Economic and Community Development.*)

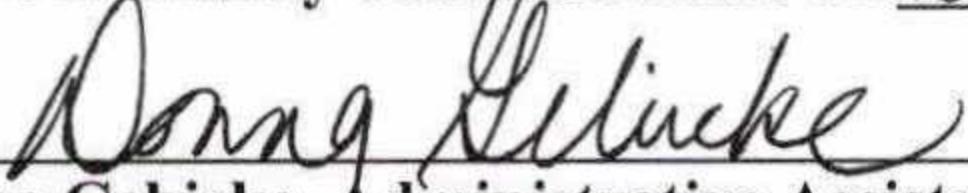
5. Department of Economic & Community Development – Shellfish Cultivation Rights
To give relief for pier and wharf owners on the Chesapeake Bay to cultivate oysters similar to that currently allowed in Talbot and Howard Counties. *(Submitted by Mr. Bob Parkinson through John Savich, Director of Economic and Community Development.)*
Mr. Savich stated items 3-5 have economic impact to the County as well as environmental benefit to the bay and waterways. Mr. Parkinson stated this tax credit should apply to all counties and fresh water clams.
6. Finance Office – Public Facilities Bonds *(Elaine Kramer submitted Items 6-10.)*
To provide authority to issue public facilities bonds to fund the capital program.
7. Finance Office – Records Maintenance and Access for Selected Taxes
To make requirements consistent for record keeping and access to records by the County for purposes of verifying certain taxes.
8. Finance Office - Simplified Energy Tax Calculation
To simplify the process for calculating the energy tax rate.
9. Finance Office - Fire Tax Rate – Revision to Reflect Use of 100% Assessed Value
To revise sections of the St. Mary's Code that reference fire tax rate maximum that was based upon the application of such rate to 40% of assessed value. With the conversion to the use of 100%, the rates need to be revised. There is no impact on revenue.
10. Finance Office - Dept Cap – Revision to Reflect Use of 100% Assessed Value
To revise section 27 of the St. Mary's Code that references a cap on debt that is based upon the relationship between debt and assessed value, and implemented at a time when the assessed value used the 40%.
11. Office of the County Attorney – Code of Public Laws *(John B. Norris, County Attorney)*
For the purpose of legalizing the 2002 edition of the Code of Public Laws of St. Mary's County, being Article 19 of Public Local Laws of Maryland published under the direction of the Board of County Commissioners of St. Mary's County.
12. Office of the County Attorney – Citizen's Nursing Board *(John B. Norris, County Attorney)*
Request that the General Assembly provide a local provision that permits the citizens nursing board for St. Mary's County to consist of not less than ten (10) but not more than twenty-five (25) members.
13. Potomac River Association – Proper Labeling and Recordation of Certain Agricultural Lands *(Bob Lewis, Co-President of PRA)*
The Potomac River Association is asking for the same legislative action that was requested last year in S.B. 733. That is for proper labeling and recordation of certain agricultural lands.
14. Sheriff's Department – Top Leadership Positions Expand Rank Structure *(Sheriff Zylak)*
Request changes to improve the cohesiveness of top leadership positions within the Sheriff's Office and to expand the rank structure that currently exists.
15. Medicaid Waiver – Waiver of Certain Medicaid Statutory Requirements *(Submitted by private citizen)*
Provide consideration of medical expenses incurred by the client at the initial point of application. Amend the regulation that allows for the deduction of documented medical expenses and a "Room and Board" allowance in determining a more "net countable income" for eligibility.
Delegate Wood stated this was a federal issue and is currently being addressed at that level.

The public meeting concluded at 9:33 p.m. The Commissioners will advise the Delegation of their position on each of the items submitted no later than January 8.

ADJOURNMENT

The meeting adjourned at 9:32 p.m.

**Minutes Approved by the
Board of County Commissioners on 12/17/02**



**Donna Gebicke, Administrative Assistant
to the Board of County Commissioners**