

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, January 7, 2003**

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

CALL TO ORDER

The meeting was called to order at 9:37 a.m.

ADDITIONS/DELETIONS TO AGENDA

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

MACo UPDATE

Present: Marilyn Praisner, Acting President and Montgomery County Council Member
David Bliden, Executive Director

MACo advocates issues in Annapolis on behalf of all member counties. The Maryland State budget is *critical* this year. A \$5 billion shortfall is projected for FY03 and a \$1.2 billion shortfall is projected for FY2004. Some proposed solutions to the shortfall have included: (1) taking \$90 million out of income tax revenues for FY03 to help reduce the shortfall; (2) freezing teacher's retirement in FY04; or (3) closing the loophole in commercial real estate sales to secure record and transfer tax fees (which are currently not being paid to the state). SMC's participation in MACo is welcome to enable successful advocacy in Annapolis.

PROCLAMATION: KNIGHTS OF COLUMBUS CHARITY BALL

Present: Brian Werring, Danny Fuller, Bill Butler

The Knights of Columbus donate their time, money, and support to assist people with mental and physical disabilities. The 43rd annual St. Mary's Charity Ball and Drive extends from January through March 31, 2003. The Ball will be held at the Immaculate Heart of Mary Church, Lexington Park, on May 3, 2003, 8:00 p.m. to 12:00 p.m.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, December 17, 2002, as submitted. Motion carried.

NOTICE FOR JANUARY 14, 2003 PUBLIC HEARING

Commissioner McKay felt that although the notice for the January 14 public hearing on the Zoning Ordinance Amendments met the requirements of the law, it did not adequately inform the public of the issues to be discussed. It was recommended that the public hearing scheduled for January 14 be cancelled and rescheduled at a later date. It is critical that the public be provided with specific information so that they can determine how the issues might affect them. It was suggested that written text changes to codes be made available to the public to review at local libraries prior to public hearings.

Staff was directed to advertise the public hearing cancellation and rescheduled date on the radio stations and in section A of the Enterprise as soon as possible. The public forum will still take place on January 14.

Commissioner Jarboe moved, seconded by Commissioner Raley, to advertise the cancellation of the public hearing regarding SMC's Comprehensive Zoning Ordinance and advertise the new hearing date of January 28, 2003, to include a more informative text that references the chapters affected. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas: January 13, 14 and 21, 2003
2. Grant Agreements/MOU
 - a. Department of Planning and Zoning (*Jon Grimm, Director; Sue Veith, Environmental Planner*)
To approve and authorize Comm. President to sign amendment to MOU providing a no-cost extension and timeline revision for the approved scope of the FY2003 Breton Bay Watershed Restoration Action Strategy approved by DNR.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner McKay to sign the modification to the grant contract #14-02-686 CZM-046. Motion carried.

- b. Office of Community Services
To authorize acceptance of grant from LMB for Summer of Safety, Arts and Reading Program and authorize Comm. Pres. to sign related budget amendment (\$10,081)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner McKay to sign the budget amendment. Motion carried.

3. Budget Amendments
 - a. Office of Community Services (*Cynthia Brown, Director; Jackie Beckman, CTSP Coordinator*)
To approve and authorize Comm. President to sign budget amendment reflecting a decrease in the Highway Safety Grant (US0321) of the original budget of \$115,438 to actual grant award of \$114,000 and realign accounts. (Grant Agreement was approved previously).

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner McKay to sign the budget amendment. Motion carried.

- b. Office of the Administrative Courts (*Teresa Weeks, Senior Legal Assistant*)
To approve and authorize Comm. President to sign budget amendment decreasing Family Services Grant budget and adding to grant reserve accounts (-\$6,410)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner McKay to sign the budget amendment. Motion carried.

4. Economic Development Grant Agreement-Tudor Hall (*Alfred Lacer, Elaine Kramer*)

Grant agreement revises the letter agreement between the Town of Leonardtown and the County relating to grant for Tudor Hall Golf Course

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner McKay to sign the most recent draft of the grant agreement for Tudor Hall, following sign-off by legal counsel and the Town of Leonardtown. Motion carried.

EXECUTIVE SESSIONS

Commissioner Raley moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss matters of Personnel, as provided for in Article 24, Section 4-210(a)1. Motion carried.

Personnel

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

Authority: Article 24, Section 4-210(a)1

Time Held: 10:55 am. – 11:10 a.m.

Action Taken: The Commissioners discussed personnel issues and gave direction to staff.

BOARD OF EDUCATION PRESENTATION

Present: Dr. Patricia Richardson, Superintendent
 Bradley Clements, Chief Administrative Officer
 Steve Kracinovich, Chair, SMC Board of Education
 Mary Washington, Member, SMC Board of Education
 Dr. Sal Raspa, Member, SMC Board of Education

Background information on school capacity issues was provided to the Commissioners. The St. Mary's County Public School system (SMCPS) has the opportunity each year to appeal to the Board of Public Works any school construction projects that have not been approved for planning or construction. The Commissioners were invited to participate in the appeal on January 22, 2003.

Four projects will be appealed:

- Margaret Brent Middle School addition/renovation – a balance of construction funding of \$2M.
- Ridge Elementary School Gym addition – construction funding \$296,000.
- Oakville Elementary School – Kindergarten class addition – planning and construction \$156,000.
- Ridge Elementary School – Kindergarten class addition – planning and construction funding of \$156,000.

School enrollment through December has increased to 664 students. There is a current need for 500 seats to accommodate all day kindergarten. Relocatables are used to balance student populations, but they are no solution to the infrastructure requirements. Redistricting will soon get underway to address serious overcrowding in some schools. There is a high concentration of FARM (free and reduced meals) students in the development districts which requires small

classrooms. A federal and state grant totaling \$1M currently provides funds for teachers to reduce class size in the schools.

There is a proposal at the state level to change school construction participation ratio. Currently the state pays 70%, and 30% is funded locally. This doesn't include architect and engineering fees, equipment, or land acquisition (resulting in more of a 50/50 split). The proposal, based on an increase of relative wealth, would drop the state's participation rate to 60% and would result in a loss of millions for construction costs in SMC. There will be a provision for projects currently approved to continue at the 70/30 split (e.g., Carver Elementary).

The next ten years will bring approximately 3100 new students. At the state rated capacity level, SMC is projected to be 2000 seats short. The next new elementary school will most likely be built in the First Colony area. It is expected that the next project will be a secondary school.

Commissioner Mattingly left the meeting at 12:00 p.m.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Commissioner Jarboe moved, seconded by Commissioner Dement, to rescind the motion to nominate Ronald Delahay, Sr., to the Metropolitan Commission. Motion carried. It was necessary to rescind Mr. Delahay's nomination because it did not meet the election district residency requirements for this Commission.

Commissioner Jarboe moved, seconded by Commissioner Raley, to reappoint Kevin Suggs to the Metropolitan Commission. Motion carried.

PUBLIC HEARINGS:

Proposed Amendment to Chapter 267 Code of Public Laws of St. Mary's County relating to Real Property Transfer Tax

Present: John B. Norris, III, County Attorney

Public notice was advertised in the December 20 and 27, 2002 editions of *The Enterprise*. The purpose of the hearing was to hear comments regarding the proposed appeal, alteration and/or amendment of Article 15, Chapter 267 of the Code of Public Laws relating to real property transfer tax. The amendment would allow an agent of the buyer to sign a statement on behalf of the buyer that the buyer intends to use property for owner-occupied residential use.

Public Comment:

Bill McKissick Jr., Dugan, McKissick & Wan, Lexington Park, MD stated he was very much in favor of the proposed amendment.

The public hearing was closed. The proposal will remain open for written comments for ten (10) days and then returned to the Commissioners' agenda at a future date for action.

Release of Easement Agreement for Property Adjacent to Leonardtown Wharf

Present: Richard Rohrbaugh, Director, Facilities Department
Phil Rollins, Director, Recreation and Parks Department

Public notice was advertised in the December 20 and 27, 2002, editions of *The Enterprise*. The purpose of the hearing was to hear comments regarding the proposed release of an easement with St. Mary's Ice and Fuel Inc. (formerly doing business as Leonardtown Wharf, Inc.). The termination of this easement will allow St. Mary's Ice and Fuel Inc. to sell the property so it can be developed.

Public Comment:

Joe Gill, Leonardtown representing the "owners" stated his support for the release of the easement to negate liability issues.

Mayor Norris, Leonardtown stated his support for the release of the easement to allow commercial development of the area. Laschelle Miller presented an architectural drawing visually showing the proposed layout.

The public hearing was closed. The proposal will remain open for written comments for ten (10) days and then returned to the Commissioners' agenda at a future date for action.

2003 LEGISLATIVE PROPOSALS: DEFERRED ITEMS

Nursing Center

Present: Don Lewis, Director
Nell Hampton VP
Ernie Williams, Sec/Treasurer

The proposal was amended to provide a local provision that permits the citizens nursing board to consist of not less than ten (10) members, but not more than 15, including the Commissioner position. The Board supported the amended proposal 4-0.

Potomac River Association

Present: Bob Lewis

The Agriculture, Seafood, and Forestry Commission indicated in a letter dated January 7, 2003, that it was not in support of the Potomac River Association's proposal to have deed recordation for the use of sludge on property in St. Mary's County. Commissioner Jarboe noted that the Maryland Department of the Environment has the ability to provide such information through their database. The Commissioners agreed to discuss this issue further at their next meeting.

Sheriff's Office

Present: Capt. Cusic, Erin Gass

At the work session held on January 6, the Sheriff's Department was asked to provide the Board with adjusted salary increases to the proposed Senior Deputy First Class rank. Capt. Cusic presented a letter from Sheriff Zylak indicating that he did not think that reducing a promotion to less than the proposed 3% would amount to the sizable cuts that the Board was looking for and that cost reductions should be addressed during the budget process. Included with the letter from Sheriff Zylak was a revised draft of the proposed legislation that added the following under C. Captain: The County Commissioners shall determine the number of captains necessary for the county.

The board was tied 2-2 in its decision to support the proposal.

STAFF PRESENTATION: CABLE FRANCHISE

Present: Al Lacer, George Forrest, Bob Kelly

A detailed outline of the proposed Cable Franchise Ordinance and Draft Agreement with Gans Multimedia Partnership was presented. The terms of the proposed Agreement are for 15 years with mid-term review at year nine. A system upgrade will be completed within 42 months of the date of the signed Agreement. Standards for customer service, responsiveness, installation and repair are defined. Franchise fees are identified at 5% of gross revenue. Public education and government (PEG) access will be the highlight of the Agreement. I-Net infrastructure is identified.

The Cable Franchise Negotiating Team consisted of George Forrest (Chair), Rick Elrod, Bob Kelly and Mark Stancliff. David Taylor, Chair of the Cable Advisory Committee was recognized and thanked for his service.

Commissioner Raley moved, seconded by Commissioner Jarboe, to direct staff to proceed with a public hearing on the proposed Cable Franchise Ordinance and Draft Agreement. Motion carried.

COUNTY COMMISSIONERS' TIME

Commissioner Raley

- With all the Commissioners, attended the Leonardtown Volunteer Fire Department's installation of officers. Congratulations to Mr. Wathen who was honored for 50 years of service.
- In the consent agenda, there is a letter regarding the pool project which has been signed by the Commissioners. As a result of misreporting by *The Enterprise* there was some indication that I was against the pool project. We are pursuing the project fully.

Commissioner Jarboe

- Received an e-mail from Lorrie Mellot regarding the continuing problems at Lexington Manor. Recommend a response be sent to this email with an appropriate letter addressing the specific issues to provide some hope to people needing affordable housing. This Board needs to take a position on affordable housing. Commissioner McKay inquired about the status of the agreement with Club Properties. They have yet to sign the agreement.

Commissioner Dement

- Congratulations to Teddy Wathen for 50 years of excellent service at the Leonardtown Volunteer Fire Department

Commissioner McKay

- Was surprised that the landscaping and groundwork has not been completed at the Leonardtown Library. *Staff: please advise when this property will be finished.*
- The pool project will move forward and it was never delayed by this Board. Also, thank you all for your comments. Please understand, however, that this pool will operate as an enterprise fund and must pay for a substantial portion of its own operational expenses.
- As the weather cycles go, we may be in a situation similar to 1994 – ice storms. *Request that George Allen Hayden, SMECO, address this issue and reassure the Board that tree trimming, etc., is currently being done to keep power going throughout the winter.*
- We will need to address boat launching sites on the Patuxent River soon.
- Will be attending a MACo convention on the weekend.

ADJOURNMENT

The meeting adjourned at 3:26 p.m.

Minutes Approved by the
Board of County Commissioners on 1/14/03

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