

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Tuesday, February 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
Alfred A. Lacer, County Administrator
Donna Gebicke, Administrative Assistant to BOCC (Recorder)

CALL TO ORDER

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

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, January 28, 2003, as submitted. Motion carried.

PROCLAMATION: NATIONAL CAREER AND TECHNICAL EDUCATION WEEK

Present: Ken Smith, Supervisor, Career & Technical Ed., Forrest Technical Center
Dr. Patricia Richardson, SMCPS
Ed Weiland, SMCPS
Bob Taylor, Acting Principal LHS and Principal, Forrest Technical Center
Jody Titus, Staff
Ray Guy, Business Education Instructor/Chopticon HS
Ms. Peat, Staff
Cindy Baden, Leonardtown HS
Gay Jackson, Instructor, GMHS
Connie Garvin, Vice Principal, GMHS
Student members of the Future Business Leaders of America from Leonardtown HS, Great Mills HS, and Chopticon HS

Commissioner Mattingly read the proclamation commending educators and students for their hard work. Dr. Richardson and the Commissioners thanked the inspirational teachers, sponsors, and students.

AFRICAN-AMERICAN HISTORY MONTH: STUDENT PRESENTATION FROM GMHS THEATRE GROUP

Present: Lynn Morgan, Supervisor of Instruction for Fine Arts

Ms. Morgan stated that students from various schools will make a presentation to the Commissioners each Tuesday in February. Ms. Erika LeGrant, a senior from the Great Mills High School Theatre Group, presented a speech written by Sojourner Truth in 1851 and delivered to the Women's Convention in an effort to eliminate racial and gender-based discrimination.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Draft Agendas: February 11 and February 18, 2003
2. Health Department (*Dr. Icenhower*)
To approve and authorize Commissioner President to sign the Community Health Advisory Committee's revised Bylaws

Dr. Icenhower announced that Mr. Daryl Calvano has accepted the position of Environmental Health Director and will start February 19, 2003.

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize Commissioner McKay to sign the revised by-laws. Motion carried.

3. Information Technology/Facilities Management (*Robert Kelly, Director, IT; Richard Rohrbaugh, Director, Facilities Management*)
To approve proposed Telephone Improvement Plan and Budget Amendment to procure phone system.

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

4. Hiring Suspension Extension

Mr. Lacer proposed the suspension continue through June 30, 2003 on the same terms and conditions as it has been in existence for the last sixty days. Mr. Schultz, Director Human Resources, stated the number of current vacancies is less than twenty and the average number of terminating/retiring employees numbers 5-7 individuals per month or a turnover of approximately 10% annually.

Commissioner Jarboe moved, seconded by Commissioner Dement, that the hiring suspension adopted December 3, 2002, is extended to June 30, 2003. Exceptions will be public safety positions, emergency communications specialists, 911 call takers/dispatchers, law enforcement and correctional officers. Positions deemed necessary to be filled now, because a delay would have a significant adverse impact on services to citizens, will be filled on a case-by-case basis. Positions requested to be filled during the suspension will be considered based on the recommendations of the department head, human resources director, and county administrator. Motion carried.

Commissioner Raley asked expressed concern that exceptions should not just be considered for higher management positions, but also for those employees working in the "trenches."

Mr. Lacer requested authorization to proceed to exempt the Planner III reinstatement in DPZ and the Airport Manager position (which was funded in 1/03) from the hiring suspension.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to lift the hiring suspension for the Planner III merit position. Motion carried.

Commissioner Jarboe asked to be informed of the average number of landings per day at the Airport.

Commissioner Mattingly moved, seconded by Commissioner Raley, to lift the hiring suspension for the Airport Manager contract position. Motion carried.

COLLEGE OF SOUTHERN MARYLAND: STATE OF THE COLLEGE

Present: Dr. Elaine Ryan, President, CSM
Ms. Jane Sypher, Dean, Leonardtown Campus
Ms. Delores
Michelle Goodwin, CSM
Jamie Raley, Board Member

CSM's standards remain high even though funding continues to fall. Dr. Ryan's presentation highlighted CSM's numerous successes and important challenges including student accountability and progress, quality and affordability of education, keeping up with technology, increased enrollment requiring additional space, and critical workforce development needs. Among statewide issues are a growing deficit and a lack of resources for distance learning. Commissioner McKay mentioned that the new cable agreement will help with distance learning and, hopefully, a possible new charter high school for science, technology, and engineering will address the serious need for engineers in Maryland. As a response to Dr. Ryan's inquiry, it was agreed The Wellness Center would most likely be deferred beyond FY04.

PROPOSED AMENDMENTS TO COMPREHENSIVE ZONING ORDINANCE (02-01)

Present: Jon Grimm, Director Planning & Zoning

On January 13, 2003, the Board conducted a joint public hearing with the Planning Commission to consider amendments to Chapter 52 to delete Section 52.8.3 and amend Section 65.2 of Chapter 65 (relating to signs) to permit the advertisement of property vacancies and properties for sale, lease, etc. Following the hearing, the record remained open for 15 days. On January 27, 2003, the Planning Commission passed a resolution transmitting the Commission's recommendation to the Board that the proposed changes be made.

Commissioner Raley moved, seconded by Commissioner Dement to approve the proposed amendments to Chapters 52 & 65 and to sign the Ordinance implementing the amendments. Motion carried.

COMMISSIONERS' TIME

Commissioner Mattingly

- A press release from Senators Mikulski and Sarbanes indicates the erosion problem in Tall Timbers is going to be addressed. Their assistance is deeply appreciated.
- Attended the county Employee Association's Winter Festival at Breton Bay and had a great time.
- Along with Commissioners Raley and Jarboe, presented a proclamation and a framed print to officials at the 1st National Bank who were celebrating 100 years of service.
- Attended the Valley Lee Fire & Rescue Squad installation of officers banquet.
- Attended the Workforce Investment meeting (Southern Maryland Works, Inc.).
- Represented the Board at an employee appreciation luncheon at the Nursing Home.
- MD State Fireman's Association quarterly executive meeting will be held in La Plata on February 7 and 8, 2003.

Commissioner Raley

- Enjoyed the county employee's festival and want all county employees to know how much they are appreciated.
- Congratulations to the 1st National Bank who has been a cornerstone in SMC for 100 years.
- With Commissioner Mattingly, attended the 2nd District Fire & Rescue Squad function where their Auxiliary presented them a contribution of \$25,000. Auxiliaries are great organizations.
- The citizens along Murray Road thank Commissioner Dement for the "no parking" signs.
- The Ridge Rescue Squad's old building will be demolished thanks to Commissioner Dement.
- Really need a larger meeting room to accommodate larger presentations.

Commissioner Dement

- Happily got to meet lots of employees at the Winter Festival and had a great time.
- Had to miss the function at the 1st National Bank to attend the 2nd District Fire & Rescue Squad function.
- Also attended the 2nd District's installation of officer's banquet.

Commissioner McKay

- Thanks to all county employees - we do appreciate your hard work.
- Thanks to the Board for supporting the capital improvement budget proposal which negates the necessity to borrow almost \$3 million dollars this year.
- There was a comment made by someone in the press that accused this Board of violating the public meeting law when we established the Office of Land Use and Growth Management. There was no violation of the open meetings law.

**PUBLIC HEARING: COMPREHENSIVE WATER & SEWERAGE AMENDMENT
(LEXINGTON PARK CHRISTIAN SCHOOL)**

Present: Board of County Commissioners
John Grimm, Director DPZ
John Norris, County Attorney
Chad Holdsworth
Peggy Childs, Recorder

PUBLIC HEARING CWSP #00-130-015 – LEXINGTON PARK CHRISTIAN SCHOOL
Requesting an amendment to the Comprehensive Water & Sewerage Plan to change the sewer category from NPS to S-3D. The property contains 49.2 acres, is zoned RPD, and is located on the north side of Point Lookout Road (MD 5) in Callaway, MD, approximately 2,000 feet east of its intersection with Piney Point Road (MD 249); Tax Map 50, Block 17, Parcel 38.

Owner: Lexington Park Christian School (aka King's Christian Academy)
Present: Ed DePiazza, President, LPCS (KCA)

The Legal Ad was published in The Enterprise on 1/17/03 & 1/24/03

The Lexington Park Christian School seeks a change in sewer category from NPS to S-3D for 49.2 acres of the subject property that is the school site. The 49.2 acres is the subject of an approved conditional use permit and site plan. Because the Comprehensive Plan prohibits sewer service within the RPD, an amendment to include the 49.2 acres within the Callaway Village Center is proceeding concurrently with the sewer amendment application, and a joint public hearing by the Planning Commission and County Commissioners will be held on February 10, 2003. The Planning Commission has recommended approval of the CWSP Amendment, contingent upon approval of the Comprehensive Plan amendment. If approved by the Board of County Commissioners, the application will proceed to the Maryland Department of the Environment, who has up to 6 months to make a decision.

Commissioner McKay opened the hearing to public comment.

Bob Lewis, Co-President of the Potomac River Association, said the PRA supports the school and its proposal but has the following concerns:

- (1) Timing – The Comprehensive Plan must be amended before this amendment can be approved.
- (2) Precedent – Approval of this application will lead to similar applications for sewer in the RPD without a failing system.
- (3) A complaint has been filed with the Ethics Commission charging that two of the Planning Commission members had a conflict of interest and should have recused themselves in this case. A favorable ruling by the Ethics Commission could nullify the process. A letter from PRA Attorney Doug Hollmann was submitted for the record.

Mr. Lewis asked that the Commissioners table the request pending the Ethics Commission ruling until after the Comprehensive Plan Amendment is approved.

Clare Whitbeck, Leonardtown, said she also supports the school but suggested the sewer change wait for the update of the Comprehensive Water & Sewer Plan, which is nearly completed.

Mr. DePiazza offered reasons why the CWSP amendment is a win-win situation:

- (1) County government wins because additional classrooms will be provided without cost to the taxpayers.
- (2) Taxpayers win because they save \$8,000 per year for each student educated by LPCS.
- (3) Environmental groups win because sanitary waste is not discharged into the ground.
- (4) MetCom wins because a customer is added to the underutilized sewer line.
- (5) The Village of Callaway wins because the school will attract commercial business.
- (6) The school wins because sewer access is more cost effective.

Following public comment, Mr. Grimm and the County Attorney agreed that approval can be granted in this application pending approval of the Comprehensive Plan Amendment, but suggested holding this record open until after the open record closes on the CP Amendment. Commissioner McKay closed the hearing at 1:56 p.m., directing that this be done.

TOUR OF ADVANCED LIFE SUPPORT UNIT

The Commissioners departed for a tour of the Advanced Life Support Unit.

ADJOURNMENT

The meeting adjourned at 3:30 p.m.

**Minutes Approved by the
Board of County Commissioners on 2/11/03**


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

PUBLIC HEARING: PROPOSED CABLE FRANCHISE AGREEMENT AND DRAFT ORDINANCE

Present: Board of County Commissioners
George G. Forrest, Deputy County Administrator
Robert Kelly, Director, Information Technology
John Norris, County Attorney

The Public Hearing was opened at 6:35 p.m. A Public Hearing Notice appeared in the Enterprise on January 24 and 31, 2003. The Deputy County Administrator provided a briefing on the Cable Franchise Agreement and Draft Ordinance that included: background information on the process, negotiation limitations, areas of concern that were addressed in the Agreement, a comparison of the current agreement vs. reasonable needs and assessment goals, and a summary of tentative terms of the Agreement.

Mr. Forrest stated that the Draft Ordinance will increase the technical capability of the county to be able to provide, not only entertainment television for the citizens of SMC, but also educational government public access. There will be a separate agreement for cable modem services.

Commissioner Mattingly requested that the County Attorney research state and federal law regarding whether a property owner can exclude the cable company from providing this service.

Commissioner Jarboe asked if there is a guarantee that Comcast will display the programs that we connect to them. Mr. Forrest replied that this can be made part of the negotiating points.

Following discussion of the Draft Agreement and Ordinance by the Commissioners, the hearing was open for public comment:

Ms. Peg Lang, California, MD

I would like to request that you not renew the GMP Cable TV License without holding them accountable for better service. For months I have complained to GMP's night person about the lack of service. I am distributing to the Commissioners a compilation of cable TV survey comments, a letter I wrote in 2000 complaining that I had written to the cable company two years before that and never received anything back from them, and info from website that contains info about the franchise Agreement.

Mr. Jack Whitten, Hollywood, MD

What was wrong with the old Ordinance that was written in 1990? What is needed is enforcement of old Ordinance. We need to get more people interested and using public access. Specific details re PEG should be in Ordinance (times, places, dates). Concern was raised on the wording of the proposed Agreement limiting connectivity to public Schools. 5 year-Plan should be incorporated in franchise. Old Ordinance provided tools to measure growth rate and economic health. Should be able to petition to get C-Span.

Mr. Dana S. Dewey

I consider it an unfair business and consumer practice by GMP that their service agreement for cable modem access requires customer to be a subscriber to their expanded basic package, whether they have any intent or desire for that product. This is an additional \$40.00 charge. My hope is that Section 6 of the Draft Ordinance, "Exclusive Contracts" would prohibit this from taking place in the future. Linking these two services together is unfair business practice

Mr. Glenn Bailey, Leonardtown, MD

15 year contract is too long. Concentrate on giving everyone the opportunity to have cable television in their home if they so desire.

Daphne McGuire, Mechanicsville, MD

Echo Ms. Lang, except mine is reversed. I'm at the Northern end of the county and she is at the Southern. Great deal of trouble with cable service. Look into problems with cable company before we give them another contract.

Mr. Larry Whitbeck, Leonardtown, MD

Citizens seem to feel that they are unable to adequately communicate with GMP and get satisfactory answers. Wondering what provision currently or proposed the government is planning with respect to an ombudsman that citizens can come to and feel that there is independent judgement on this. Customers would appreciate more support. Performance criteria – who will actually monitor and what will happen if performance not kept up with – is important.

Commissioner President McKay announced that comment period for written comments will be kept open for ten days.

The public hearing was closed at 7:43 p.m.