

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, January 31, 2012**

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Todd B. Morgan
Commissioner Daniel L. Morris
John Savich, County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the business meeting to order at 9:02 am in the Chesapeake Building meeting room, Governmental Center.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Morgan, to adopt the minutes of January 17, 2012, as presented. Motion carried 5-0.

PROCLAMATION WAS PRESENTED FOR THE 375TH ANNIVERSARY OF THE ST. MARY'S COUNTY SHERIFF'S OFFICE

COUNTY ADMINISTRATOR

1. Draft Agenda for February 7 and 14, 2012.

2. Department of Economic and Community Development (*Bob Schaller, Director; Donna Scasser, Agriculture and Seafood Manager*)

(Sue Veith, Environmental Planner, Dept. of Land Use and Growth Management; Larry Langley, The Patuxent Tidewater Land Trust)

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and accept the Rural Legacy Applications, and also to approve and sign the Letter of RLA Funding Preference, prioritizing the Mattapany Rural Legacy Area for designation and funding as our top priority and the Huntersville Rural Legacy Area as our second priority for additional funding. Motion carried 5-0.

3. Department of Recreation and Parks (*Phil Rollins, Director*)

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the FY13 Waterway Improvement Program Fund Application and Project Agreement, in the total amount of \$99,000, for the Wicomico Shores Public Landing restroom building replacement project. Motion carried 5-0.

(Debra Pence, Museum Division Manager, Dept. of Recreation and Parks)

Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the FY12 Maryland Heritage Areas Authority grant agreement in the total amount of \$190,000 and the related budget amendment. Motion carried 5-0.

Commissioner Morris moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the FY2012 budget amendment that will decrease the Commissioner's Emergency Reserve account by \$10,164 and increase the Recreation and Parks (Parks Division) overtime and related fringe benefit accounts due to Hurricane Irene non-emergency payroll costs. Motion carried 5-0.

4. Department of Public Works and Transportation (*George Erichsen, Director*)

(Jacqueline Fournier, Transportation Manager; Mary Ann Coontz, STS Supervisor, Dept. of Public Works and Transportation)

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the Maryland Transit Administration Capital Grant Agreement in the amount of \$47,000 for the purchase of a small bus on behalf of the Department of Public Works and Transportation, and execute the budget amendment realigning the project budget in accordance with the award. Motion carried 5-0.

Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize Commissioner President Russell to execute the Commitment Letter between the County and the Washington Gas Company for the construction of the new museum and visitor center, in accordance with the terms and conditions of the agreement. Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute the budget amendment to realign funding between maintenance for all County vehicles and maintenance specific to Sheriff Vehicles, in the Department of Public Works and Transportation in the amount of \$100,000. Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Morris, to approve and sign Resolutions accepting Primrose Place, Hawkbit Court, and Sundew Place located in the Southwoods Subdivision, Section 3, 8th Election District, into the highway maintenance system, and resolutions posting a 25-mph speed limit and stop signs. Motion carried 5-0.

5. Department of Finance (*Elaine Kramer, CFO*)

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the eleven budget amendments to reduce or close-out the following Capital Projects totaling \$905,432 to the FIN12 Capital Reserve: PF0307, Parking & Site Improvements; PF0506 CMS Wellness Center; PF0701 Workforce Housing Initiatives; PF0708 Stormwater Management; PF1002 Carter State Office Building; HW0304 Roadside Obstacles; HW0601 Pegg Road Extension; HW0705 Chestnut Mitigation; HW0902 Streetscape Improvements; MA0401 St. Jeromes Creek Dredging; and MA0901 Kingston Creek Taxing District. Motion carried 5-0.

PUBLIC HEARING: FOR SUPPLEMENTAL APPROPRIATION OF \$125,000 TO FUND THE EMERGENCY SERVICES SUPPORT FUND FOR COSTS RELATED TO NARROWBANDING OF EXISTING PAGERS FOR FIRE DEPARTMENTS AND RESCUE SQUADS TO MEET FCC REGULATIONS

Commissioner Russell opened the Public Hearing at 10:10

Present: Elaine Kramer, CFO
Bob Kelly, Director, Dept. of Public Safety & IT

Ms. Kramer noted that the Notice for Public Hearing was published in *The Enterprise Newspaper* on January 20 and 27, 2012. The Federal Communications Commission regulations require upgrades to the County's pager system by January 1, 2013. First responders in the County utilize nearly 1,100 pagers to notify members when a call has been dispatched to their department. Narrowbanding will require an adjustment to existing transmitters (est \$10,000) and reconfiguration of every pager operational within the County (estimated \$125,000). The pagers are not county-owned equipment, but the transmitters located at our tower sites are owned and maintained by the County and are crucial for first responders to receive timely notice of dispatched calls to their department. The Dept. of Public Safety and Information Technology identified a portion of funds, budgeted in FY12 for the NEXTGEN Radio System, to be redirected to pay for the cost of the narrowbanding.

Commissioner Russell opened the Public Hearing for public comments.

Public Comments. (Comments as noted below are intended as highlights of testimony given and are not verbatim.)

Wayne Abernathy, 29839 Lincoln Rd. Mechanicsville, MD 20659

- Had several questions that Ms. Kramer answered during her presentation
- Asked that in the future more information be provided to the public prior to Public Hearings

Commissioner Russell noted that the record will remain open for 10 days for written comments and closed the Public Hearing at 10:15.

PUBLIC HEARING: PROPOSED CHANGES TO THE PROCUREMENT POLICY ADDRESSING THE SOLICITATION THRESHOLDS AS WELL AS A LOCAL VENDOR PREFERENCE

Commissioner Russell opened the Public Hearing at 10:16.

Present: Elaine Kramer, CFO
Randy Burns, Procurement Manager, Dept. of Finance

Ms. Kramer noted that the Notice of Public Hearing was published in *The Enterprise Newspaper* on January 20 and 27, 2012. Ms. Kramer explained that the recommended changes would streamline the procurement process and provide an economic benefit to local vendors. Recommendations include changing the competition threshold for Formal Competition from \$15,000 to \$25,000; small Purchases from \$2,500-\$15,000 to \$15,000-\$25,000 and exempting the competition requirement for small purchases from \$2,500-\$15,000. Also recommended is incorporating a Local Vendor Preference Program. Ms. Kramer explained the definition of a local vendor and how the local vendor preference process would be applied.

Commissioner Russell opened the Public Hearing for public comments.

Public Comments. (Comments as noted below are intended as highlights of testimony given and are not verbatim.)

Wayne Abernathy, 29839 Lincoln Rd. Mechanicsville, MD 20659

- To make informed decisions on Local Vendor Preference & small purchases less than \$25,000 we need basic information like a Cost & Benefits Analysis
- How many County purchases in the last 12 months would have met the proposed criteria under this resolution
- What was the dollar value of the purchases mentioned above
- What was the man-hours expended on each solicitation
- What was the hourly loaded labor rate
- What was the external-cost of each solicitation
- What was the total-cost of purchases during the time period
- What is the estimated cost of purchases for the next twelve month period using the proposed criteria
- What is the dollar value that the tax payer will win or lose from this Resolution

- I expected the Cost & Benefit Analysis would have accompanied the Notice of Public Hearing for Resolutions
- May I please have a copy of analysis now - when I receive requested information, I will give you a fully-informed opinion

Kim Bowes, 44780 Tall Timbers Road, Tall Timbers MD

- Support Local Preference
- Have always supported buy local
- Provided her analysis of dollars that would come back to the County from Local Vendor Preference Program
- Local businesses contribute more to community groups
- Liberty Office Supply furnishes supplies next day, other larger out of state supply companies cannot do that
- Wants more clarification on local vendor preference with regard to subcontractors

Laura Clark, 22245 Timberline Ct.,

- Supports procurement changes
- Great effort – continue on

Agnes Butler, 21552 Thames Ave., Ste 1010, Lexington Park, MD 20653

- Support the Resolutions
- Would like to see action by the new year
- Local vendor preference gives back to the community
- Local vendor preference serves the community more

Commissioner Russell noted that the record will remain open for 10 days for written comments and closed the Public Hearing at 10:59

DEPT. OF PUBLIC WORKS & TRANSPORTATION: DECISION ON PROPOSED ORDINANCE FOR THE RE-ALIGNMENT OF MORGAN ROAD

Present: George Erichsen, Director, Dept. Public Works & Transportation

The BOCC Public Hearing was held on December 13, 2011. Comments were received at the hearing with additional comments received during the 10 day comment period. The Commissioners responded to all questions received in a letter dated January 10, 2012, to Citizens in the Morgan Road area. The record was then left open for an additional ten days with no additional comments received. Mr. Erichsen that most comments addressed the impact of the development rather than the road realignment. He noted the proposed development has not been approved by the Planning Commission; therefore, there is no pressure for the road at this time. Prior to the meeting today, Mr. Erichsen met with Mr. Sparling, County Attorney concerning realigning a road to accommodate a subdivision that has not been approved and the County Attorney thought it might be more appropriate to suggest an alternative motion to table a decision until the Planning Commission has an opportunity to make their

decision on the development. Mr. Sparling pointed out if the Commissioners voted to realign the road and then the Planning Commission denied the subdivision there would be an unnecessary Ordinance on the County's books. Mr. Erichsen added that if the Planning Commission approves the subdivision, a condition could be added to include realigning Morgan Road because it was vetted here first.

Commissioner Jones moved, seconded by Commissioner Morris, to table the proposed Ordinance providing for realignment of Morgan Road with the proposed Preston Court pending action by the St. Mary's County Planning Commission on the proposed plan of subdivision.

HOLLYWOOD VOLUNTEER RESCUE SQUAD: REQUEST TO INCREASE THE RESCUE TAX RATE FOR THE 6TH DISTRICT FROM \$0.11 TO \$0.15, EFFECTIVE JULY 1, 2012

Present: Natalie Himes, President, Hollywood Volunteer Rescue Squad
Tim Lanahan, Treasurer, Hollywood Volunteer Rescue Squad
Barbara Wible, Assistant Chief, Hollywood Volunteer Rescue Squad
Jeannett Cudmore, Deputy Finance Director

The Hollywood Volunteer Rescue Squad (HVRS) is seeking a rate increase in property tax revenue from \$.011 per \$100 of assessment to \$.015 per \$100 assessment for the 6th District. The request for the increase is to provide funding for the purchase of a new ambulance in FY14 and FY16, a new utility vehicle in FY2017, construction of a new building to house their four ambulances, and remodeling/expansion of their existing facility. A perk test has been requested to see if their current location can accommodate expansion. Information was provided that depicts structural deterioration of their facility, increases in general operating expenses, aging of equipment, and increases in the number of calls. The number of properties in the first due area of Hollywood is 5,575. Financial statements presented showed a positive cash balance at this time; however, if the current tax rate prevails, projecting forward to 2013 through 2021, a deficit of approximately (\$754,311) will be incurred after expenses and if a tax increase of \$.015 is granted a deficit of approximately (\$14,575) will be incurred.

Commissioner Jarboe asked that the HVRS follow the same process used in previous requests for increase and that the process be explained to the Commissioners. Ms. Cudmore will provide the information.

The Commissioners agreed that they need more details on the direction the HVRS wants to take before they can make an informed decision.

- Do Commissioners need to have a Public Hearing first?
- What is earliest you anticipate the need for a new ambulance?
- What is useful life of ambulances?
- What is timeframe you plan to build/remodel?
- What steps have been taken to replace/remodel current location? What are anticipated costs?
- How many acres in current location? (Ans 1.59) How much of that land is usable?
- Do you have another site to build on if you cannot expand/remodel?
- How will increase in funding relate to response time? Scratch rate?

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events and those attended over the past week as well as personal interest items.

CALL FOR MOTION TO ENTER INTO EXECUTIVE SESSION:

Commissioner Morgan moved, seconded by Commissioner Jones, to enter into executive session for the purpose of discussing potential Litigation matter. Motion carried 5-0.

Litigation

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
John Savich, County Administrator
George Sparling, County Attorney
Phil Shire, Director, LUGM
Donna Gebicke, Recorder

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

Time Held: 12:04 pm – 12:24 pm

Subject Discussed: Litigation

ADJOURNMENT

The meeting adjourned at 12:30 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)