

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, August 24, 2010**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Sharon Ferris (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:02 am.

ADDITIONS/DELETIONS TO AGENDA

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, that the bills submitted for August 24, 2010, be approved as presented. Motion carried 4-1. Commissioner Jarboe voted nay.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the meeting of Tuesday, August 10, 2010. Motion carried 5-0.

COMMENDATION PRESENTED TO CENTER FOR LIFE ENRICHMENT STAFF AND VOLUNTEERS FOR THEIR EFFORTS TO PROMOTE THE COUNTY'S RECYCLING PROGRAM AND HELPING TO MAINTAIN THE COUNTY'S SIX CONVENIENCE CENTERS

INVITATION TO 25TH ANIVERSARY OF THE CHAPTICO CLASSIC ROAD RACE AND WALK WAS PRESENTED TO THE COMMISSIONERS BY MIKE WHITSON, EVENT COORDINATOR; AND ERNIE BELL

PROCLAMATION PRESENTED TO THE COMMISSION FOR WOMEN AND LEAGUE OF WOMEN VOTERS IN RECOGNITION OF WOMEN'S EQUALITY DAY

COMMISSION FOR WOMEN ANNUAL REPORT

Present: Norma Pipkin, Chair, Commission for Women
Cynthia Brown, Interim Director, Dept. Human Services

Ms. Pipkin provided presented the Commission's annual report, which included accomplishments over the past year and plans for the upcoming year.

COUNTY ADMINISTRATOR

1. Draft Agendas for August 31, 2010. There will be no meetings on September 7 and 14, 2010.
2. **Department of Aging** (*Lori Jennings-Harris, Director, Peggy Maio, Fiscal Supervisor*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President Russell to execute the revised Notification of Grant Award for the FY2010 State Grants, project MD1001 through MD1014, from the Maryland Department of Aging on behalf of the St. Mary's County Department of Aging for services and programs for the Seniors of St. Mary's County in the amount of \$208,253 and the related budget amendment that includes increasing project MD1003 by \$1,000 in accordance with the NGA. Motion carried 5-0.

3. **Department of Human Services** (*Cynthia Brown, Interim Director; Walter Biscoe, Substance Abuse Prevention Coordinator*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the Substance Abuse Prevention Services Conditions of Award, project US1123, from the Alcohol and Drug Abuse Administration on behalf of the Department of Human Services in the amount of \$95,161 as required by the Maryland Department of Health and Mental Hygiene. Motion carried 5-0.

4. **Department of Land Use and Growth Management** (*Derick Berlage, Director; Sue Veith, Environmental Planner*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and accept the FY2011 Critical Area Grant Application, Project MD1127, from the Maryland Dept. of Natural Resources on behalf of the Dept. of Land Use and

Growth Management in the amount of \$11,000 which will reimburse a percent of salary and fringe costs of county staff who perform review of Critical Area permits and development applications. Motion carried 5-0.

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

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President Russell to execute the budget amendment reducing the Pegg Road Extension to MD Rt 5 project HW0601 by \$634,494 to the FIN10 Capital Reserve. Motion carried 5-0.

Mr. Erichsen provided an update on the Chancellors Run Activity Center. The projected completion date is now March 2011. Mr. Erichsen noted that the insurance company will only pay to restore the building to original condition; however, staff is recommending some alternatives at this time to enhance the facility and make it more structurally sound. These alternatives will require 100% County funding.

Commissioner Raley asked Mr. Erichsen to let SAYSF church know as soon as possible the new expected completion time because of the agreement to use their facility as the temporary Senior Activity Center.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the budget amendment transferring funds in the amount of \$860,000 from the FIN10 Capital Reserve to establish the Chancellors Run Activity Center Repairs and Reconstruction project (PF-1008) in order to complete the repairs and reconstruction phases of the project. Motion carried 5-0.

(Gary Whipple, P.E. Engineering Services Division and Jeff Reed, COR)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and accept the Pegg Road project as an eligible ARRA funded project in accordance with the terms and conditions set forth in the U.S. DOT Federal Highway Administration Federal-Aid Project Agreement and the County's SHA Master Agreement as amended by supplemental Memorandum of Understanding dated July 16, 2009. I further move that the Board approve and authorize the Commissioner President to execute the budget amendment transferring funds in the amount of \$100,000 in transfer taxes from the FIN10 Capital Reserve to the ARRA Pegg Road project, HW1003. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and accept the Mechanicsville Road Bridge Replacement project as an eligible ARRA funded project in accordance with the terms and conditions set forth in the U.S. DOT Federal Highway Administration Federal-Aid Project Agreement and the County's SHA Master Agreement, as amended by supplemental Memorandum of Understanding of July 16, 2009 and also that we approve and authorize Commissioner President Russell to execute the budget amendment

reducing the Mechanicsville Road project HW0506 by \$249,644 to the FIN10 Capital Reserve. Motion carried 5-0.

6. Sheriff's Office (*Sheriff Tim Cameron*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the Memorandum of Agreement between the County and Maryland State Police on behalf of County's Sheriff's Office for the purchase of requested equipment and supplies, Project OT1103, in the amount of \$40,000 and related budget amendment increasing the project budget by \$40,000. Motion carried 5-0.

7. St. Mary's County Public Schools (*Dr. Michael Martirano, Superintendent; Gregory Nourse, Director of Fiscal Services*)

Commissioner Raley moved, seconded by Commissioner Jarboe to approve and authorize the Commissioner President to execute the Annual Budget form to be submitted to the Maryland State Department of Education on behalf of the St. Mary's County Public Schools and in concurrence with the Board of Education Approved Operating and Capital Budget for FY2011; and execute the consent letter signifying the same and also I would move to approve the FY2010 General Fund categorical transfer requests to balance and close-out the fiscal year-end operating budget for FY2010 in the amount of \$385,056 on behalf of the Board of Education. Motion carried 5-0.

SCHOOL SAFETY INITIATIVES & ADOPT A SCHOOL PROGRAM

Present: Sheriff Tim Cameron, St. Mary's County Sheriff's Office
Dr. Michael Martirano, Superintendent, St. Mary's County Public Schools

Sheriff Cameron discussed back to school safety initiatives being implemented, including posting of sign boards on County roadways to remind motorists school is back in session, traffic patrols and school bus patrols to assure safe student travel, and Deputies assigned to various schools throughout the County to welcome students back.

The joint St. Mary's Public Schools and the Sheriff's Office joint Adopt-A-School Program in is designed to mentor elementary school children and further enhance the safe and nurturing school environment. Deputies will volunteer to participate in the program and will "adopt" their elementary school for the purpose of fostering a positive relationship with the school's students.

DECISIONS BY THE BOARD OF COUNTY COMMISSIONERS ACTING AS DISTRICT COUNCIL FOR THE VILLAS ON WATERS EDGE SHORE EROSION CONTROL TAXING DISTRICT

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

Commissioner Jarboe moved, seconded by Commissioner Raley to adjourn as the Board of County Commissioners for SMC and reconvene as the District Council for the Villas on Waters Edge Shore Erosion Control Taxing District. Motion carried 5-0.

Mr. Erichsen noted public hearings were held on August 10, 2010, concerning the proposed Amendment of the Villas on Waters Edge Shore Erosion Control District Establishing Ordinance 2007-07 revising the boundary of the District to include the adjoining Cedar Cove Community Association Property and the proposed Resolution confirming the continuation of the Villas on Waters Edge Shore Erosion Control District. Letters from the Presidents of the Villas on Waters Edge HOA and Cedar Cove Community Association were presented at the public hearing in favor of the proposals. No other comments were received.

Commissioner Raley moved, seconded by Commissioner Dement, that the Board of County Commissioners acting as District Council for the Villas on Waters Edge Shore Erosion Control Taxing District, approve and execute an Ordinance to amend Ordinance No. 2007-07 including into the District boundary the property identified as Tax Map 52, Parcel 87, property of the Cedar Cove Community Association, Inc., and to acknowledge the benefited properties that will be levied a future annual benefit assessment as discussed during the public hearing that was held on August 10, 2010, and furthermore I move that the Board of County Commissioners acting as the District Council for the Villas on Waters Edge Shore Erosion Control Taxing District, approve and execute the Resolution confirming the continuation of the Villas on Waters Edge Shore Erosion Control Taxing District, based on completed plans, specifications and updated cost information provided at the public hearing that was held on August 10, 2010. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to adjourn as the District Council for the Villas on Waters Edge Shore Erosion Control Taxing District and reconvene as the Board of County Commissioners. Motion carried 5-0.

**DECISION ON PROPOSED COMPREHENSIVE WATER AND SEWER PLAN
AMENDMENT FOR MULTIFLORA ESTATES, CASE #09-200-003, TO CHANGE
WATER AND SEWER CATEGORY FROM W-6D TO RW-D FOR 348.5 ACRES
DESCRIBED AS TAX MAP 9, GRID 8, IN THE MECHANICSVILLE AREA**

Present: Phil Shire, Deputy Director, Dept. Land Use and Growth Management
Jeff Jackman, Senior Planner, Dept. Land Use and Growth Management

A public hearing was held on July 27, 2010, concerning a recommendation from the Planning Commission to amend the Comprehensive Water and Sewerage Plan for Multiflora Estates to change the water service area category. Following the hearing the record was held open for 10 days and closed on August 6, 2010. During the open period 130 comments representing 140 individuals were received. Of the comments received, 129 (representing 139 individuals) were opposed to the service change category.

In the matter of case CWSP 09-200-003, Multiflora Estates, Commissioner Dement moved, seconded by Commissioner Mattingly, that the Board of County Commissioners not amend the St. Mary's County Comprehensive Water and Sewerage Plan to change the water service area category from W-6D, service in 6-10 years, developer financed, to RW-D, rural service, developer financed, for 348.5 acres described as Tax Map 9, Grid 8, Parcels 369 (Outparcel A), 47 (Outparcel B), 370 (Outparcel C), and 353 (Lots 1-5) in the 5th Election District. Motion carried 5-0.

PROPOSED RESOLUTION AUTHORIZING SHERIFF'S OFFICE AS DESIGNATED PRIMARY ENFORCEMENT AGENCY FOR JUNK DEALER OR SCRAP METAL PROCESSORS

Present: David Weiskopf, Deputy County Attorney
Lieutenant David Yingling, Sheriff's Office

Governor O'Malley signed an emergency bill into law, on May 4, 2010, regarding junk dealers and scrap metal processors. The law requires that each local jurisdiction pass a resolution designating the primary law enforcement unit responsible for the enforcement and the receipts of records required under the law.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the execution of a Resolution to designate the St. Mary's County Sheriff's Office as the primary law enforcement unit for St. Mary's County in regards to the enforcement of the regulations for junk dealer or scrap metal processors as set forth in section 17-1001 through 17-1014 of the Business Regulations Article of the Maryland Annotated Code. Motion carried 5-0.

PUBLIC HEARING: TO CONSIDER A PROPOSED ORDINANCE FOR SUPPLEMENTAL APPROPRIATIONS TO THE COUNTY'S FY 2011 ADVANCED LIFE SUPPORT (ALS) FUND IN THE AMOUNT OF \$56,862 FOR PURCHASE OF AN ALS VEHICLE

Present: Dave Zylak, Director, Dept. of Public Safety

Commissioner Russell opened the Public Hearing at 11:31.

Mr. Zylak noted for the record that notice of this hearing was published in the *The Enterprise* on August 13 and 20, 2010. Medic 1, St. Mary's ALS vehicle, was responding to a call on May 12, 2010, when it was involved in a roll-over crash totaling the vehicle. Insurance payout covered the cost to pay off the loan for the wrecked vehicle leaving only \$14,821.51 towards the purchase of a new vehicle. It is imperative that two vehicles be maintained in Leonardtown which is central to the County. With Medic 1 out of service, ALS pulled the unit stationed in Mechanicsville Rescue Squad to Leonardtown. Most of the ALS fleet has over 100,000 miles, and if more than one vehicle

were out of service, ALS would be providing service to the entire County with a single vehicle. Supplemental appropriation is being requested to purchase a new vehicle.

Commissioner Russell opened the hearing for public comments.

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

Michael Cahill, 22659 Davidson Lane, Lexington Park, MD

- Supports purchase of new unit
- 4 chase cars critical
- Medic 3 busiest
- Concerned about number of miles on remaining vehicles (oldest unit approximately 200,000 miles)

Shawn Davidson, 22659 Davidson Lane, Lexington Park, MD

- Important to support ALS chase
- ALS vital to County
- Encouraged community support
- Requested County maintain ALS Program
- Supports new vehicle purchase

Commissioner Russell noted that the record will remain open for ten days for additional written comments from the public and closed the hearing at 11:44 am.

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events, those attended over the past two weeks and personal items of interest.

JOINT BOARD OF COUNTY COMMISSIONERS (BOCC) AND ST. MARY'S COUNTY METROPOLITAN COMMISSION (MetCom) MEETING AT THE COLLEGE OF SOUTHERN MARYLAND, LEONARDTOWN, MD

MetCom Members: Kathleen Werner, Chairman
Joseph St. Clair, Member
Thomas R. Tudor, Member
Thomas "Chuck" Lancaster, Member

MetCom Staff: Jacquelyn V. Meiser, Director
Dan Ichniowski, Asst. Director
Rebecca Schick, CFO
Mike Sullivan, Operations Director
David Elberti, Chief Engineer

County Staff: John Savich, County Administrator
 Elaine Kramer, CFO
 Derick Berlage, Dir., Land Use & Growth Management (LUGM)
 Dave Chapman, LUGM
 Karen Everett, PIO

Commissioner President Russell opened the meeting at 2:00 pm.

Metropolitan Commission Task Force Recommendations

Metropolitan Commission Task Force recommendations requiring joint BOCC-MetCom action and/or formulation of legislative proposals were discussed:

Recommendation #2: There should be required periodic meetings: (1) between MetCom, the Board of County Commissioners (BOCC), the Planning Commission and the Department of Land Use and Growth Management (LUGM) to discuss issues of common concern; and (2) between MetCom staff and LUGM to reconcile EDU allocations

A regular schedule for these meetings will be prepared. It was suggested the next joint BOCC-MetCom meeting include the Planning Commission and a discussion of the roles and responsibilities of each entity.

Recommendation #3: Chapter 113 of the County Code should be amended to delete the requirement that the Board of County Commissioners approve all newly created MetCom employment positions.

This represents a fundamental change in current policy. Legislative language will be drafted and submitted for this year's Legislative session.

Recommendation #5: Chapter 113 of the County Code should be amended to: (1) Remove the requirement that MetCom's borrowings shall be in all cases secured by the full faith and credit of the County; (2) Require the approval by the Board of County Commissioners of MetCom's Capital Plan/Budget and Facilities Plans; and (3) Require that the Board of County Commissioners annually amends the County W&S Plan to incorporate MetCom's Capital Plan.

Along with recommendation #3, this represents a fundamental change in current policy and will enable the Board of County Commissioners to conduct a thorough review and ensure coordination early in the capital planning process rather than at the funding or final stages. The annual incorporation of the Capital Plan into the County's Comprehensive Water and Sewer Plan will flow from the overall capital plan review. Legislative language will be drafted and submitted for consideration in this year's Legislative session.

Recommendation #6: There should be an evaluation of the mandatory requirement that property owners within a designated service area abandon their private systems and connect to newly installed water and/or sewer lines, culminating in the

adoption of a written policy which gives greater consideration to the financial impact on such property owners.

A detailed recommendation to address the issue of different connection time requirements for different circumstances will be developed. MetCom currently has policies in place for extensions, but will be conducting a full analysis to see if additional guidelines are needed.

Recommendation #7: A policy should be developed which provides for the equitable compensation of developers who first install extensions of public water and/or sewer lines by subsequent developers who benefit from the "first-in" developer's efforts and expenditures.

MetCom appointed an ad hoc committee to review this logistically complicated issue. Their recommendations will be submitted by December 2010.

Recommendation # 8: A comprehensive review of Chapter 113 of the County Code needs to be undertaken.

A comprehensive review will not be completed prior to October for this year's legislative process. BOCC asked that MetCom move forward with as many of the revisions as possible this year.

Recommendation #13: Because of its unique role and organization, there should be the requirement that if MetCom proposes to enter into certain capital projects contracts/agreements with federal, state or municipal agencies, the approval of the Board of County Commissioners should be required.

This recommendation will be considered in the drafting of specific language to require the County approval of MetCom's capital budget.

EDU Allocation

Mr. Berlage reported that the County and MetCom are in the process of preparing a method of tracking EDU allocations that is not only accurate, but clear and understandable to all parties involved (number of allocations, number connected to the system, and the number remaining). At what point the applicant is guaranteed access to EDUs for new projects is also being reviewed.

Drip Irrigation

Mr. Savich reported that the County is continuing to work with the Town of Leonardtown to identify sites for drip irrigation to allow effluent to be treated by the Town for expanded Detention Center. There are several options available to resolve the matter. Analysis is still on-going and no decisions have been made.

Marlay Taylor Update

Ms. Meiser reported that construction is on track to begin in 2012 to accomplish the Enhanced Nutrient Removal requirements necessary to be in compliance with MDE

regulations. MetCom received \$2.5m in stimulus funds for the co-generator project which will allow for methane gas that is created as a by-product to provide energy to run the plant.

The meeting adjourned at 3:21 pm.

WORK SESSION ON PROPOSED COMPREHENSIVE ZONING ORDINANCE

Present: Derick Berlage, Director, Dept Land Use and Growth Management

Commissioners met to recommend final changes to the Comprehensive Zoning Plan. Recreational Facility Minor Indoor Use in RPD, request from Commissioner Mattingly to change Colton's Point Road, Parcel 89 from RPD to RCL, and the response to Commissioner Raley's question on the fiscal impact of changes made in the Zoning Ordinance were discussed. A final document will be brought forward next week for approval.

ADJOURNMENT

The meeting of the Board of County Commissioners adjourned at 4:40 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)