

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Friday, November 2, 2012**

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

CALL TO ORDER

Commissioner President Russell called the business meeting to order at 9:00 am in the Chesapeake Building meeting room, Governmental Center.

ADDITIONS/DELETIONS TO AGENDA

The following items were deleted:

Public Hearing: Proposed Text Amendment to Zoning and Subdivision Ordinances to conform definitions of Major and Minor Subdivisions with Senate Bill 236 - *rescheduled to Nov. 20, at 10 am*

Maryland Transit Administration: update on New Market Park and Ride Project - *rescheduled to Nov. 13, at 10:30 am*

Executive Session on Real Property Matters – *rescheduled to Nov. 13, at 11:15 am*

APPROVAL OF MINUTES

Commissioner Morris moved, seconded by Commissioner Jarboe, to approve the minutes of October 23, 2012, as presented. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agenda for November 13, 2012. There will be no BOCC meeting November 6, 2012.

2. Circuit Court (*Bill Tench, Court Administrator*)

Commissioner Jones moved, seconded by Commissioner Morris, to approve and accept the Courthouse Security grant application from the Maryland Administrative Office of the Courts on behalf of the Circuit Court, in the amount of \$16,045 for installation of protective glass partitions and doors. Motion carried 5-0.

3. State's Attorney's Office (*Lyle Long, Senior Investigator, Pam Soffos, Legal Assistant II*)

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the FY2013 Cooperative Reimbursement Agreement, US1311, from the Maryland Department of Human Resources on behalf of the State's Attorney's Office, Child Support Division in the amount of \$511,558 and the budget amendment to revise the budget in accordance with the agreement. Motion carried 5-0.

4. Department of Emergency Services and Technology (*Bob Kelly, Director; Elaine Kramer, CFO*)

Commissioner Morris moved, seconded by Commissioner Jones, to approve and authorize the Contracting Officer to execute the 2nd amendment to the Frequency Reconfiguration Agreement with Nextel Communications in the amount of \$1,530,927.90, and authorize Commissioner President Russell to execute the budget amendment increasing the NextGen CIP Project, PF1005, by the amount to be paid to St. Mary's County of \$1,335,807. Motion carried 5-0.

5. Department of Aging and Human Services (*Lori Jennings-Harris, Director; Cynthia Brown, Human Services Division Manager*)

Commissioner Jarboe moved, seconded by Commissioner Morgan, to approve and authorize Commissioner President Russell to execute:

- (1) the Amended Sub-recipient Agreements for the Federal Fiscal Year 2011 Emergency Solutions Grant (ESG), Project US1256, from the Maryland Department of Housing and Community Development (DHCD) between the County and Three Oaks Center, Leah's House, and Angel's Watch;**
- (2) the letter from St. Mary's County Government to DHCD acknowledging federal regulations prohibiting DSS (as a state agency) from receiving ESG funds as a sub-grantee and requesting those funds be divided equally among the other three sub-vendors on the application as recommended by the three remaining sub-recipients;**
- and, (3) the letter from the County formally notifying DSS that the sub-recipient agreement previously approved by the BOCC on March 13, 2012 is null and void. Motion carried 5-0**

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

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the grant agreement with the Maryland Aviation Administration, in the amount of \$3,928 for the purpose of property acquisition in support of the approved Airport Master Plan. Motion carried 5-0.

Commissioner Jones moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Grant Agreement with the Maryland Aviation Administration on behalf of the St. Mary's County Regional Airport in the amount of \$23,880 for the purpose of Airport Wetland Construction in support of the approved Airport Master Plan and in accordance with the St. Mary's County Board of County Commissioners' executed Master Agreement. Motion carried 5-0.

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

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute two budget amendments closing or reducing seven projects as attached and return the remaining project funds in the amount of \$31,249 to the FIN12 and \$196,334 to the FIN 13 Capital Reserve. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: Adoption of the 2012 Comprehensive Water and Sewer Plan Review and Report and Proposed Amendments

Present: Phil Shire, Director, Dept. of Land Use and Growth Management

Jeff Jackman, Senior Planner, Dept. of Land Use and Growth Management

On October 16, 2012, a public hearing was held to seek public input on three recommended aspects of Comprehensive Water and Sewer Plan: (1) revise the water and sewer service area maps of the CWSP to reflect growth area boundary changes in the 2010 St. Mary's County Comprehensive Plan; (2) incorporate FY 2013-2018 Capital Improvement Budget of the St. Mary's County Metropolitan Commission as required by Chapter 113 of the St. Mary's County Code; and, (3) revise the CWSP to include new service area maps and text to incorporate changes that have been approved by the County and state since 2008. No public comments were received during the hearing or the following ten-day open comment period.

Commissioner Jarboe acknowledged that as soon as the Lexington Park Master Plan is complete the County will start developing the Charlotte Hall Master Plan. He expressed the concern of citizens in the northern part of the county who bought property there because it was in a rural area and now feel the Town Center has moved in around them. He noted that citizens have expressed to him that they want out of the Town Center because they are

concerned they will be forced to hook into sewer and water services even though they have working septic and water systems. He asked if the citizens want the County to downsize the Town Center and focus more on the industrial side, would this be the time to do this. Mr. Shire replied that the appropriate time would be during the Master Plan process when public hearings are held.

Commissioner Jones moved, seconded by Commissioner Morgan, to adopt the Resolution amending the St. Mary's County Comprehensive Water and Sewer Plan. Motion carried 4-1. *Commissioner Jarboe voted nay and stated he wants his statements expressing citizens' concern over the Town Center in northern end of county to be a matter of public record.*

OFFICE OF THE COUNTY ATTORNEY: Work Session on 2013 Legislative Proposals

Present: George Sparling

Mr. Sparling presented the following 2013 legislative proposals that have been submitted to the Commissioners from various sources for inclusion in the 2013 St. Mary's County Legislative Package. He noted a joint Legislative Hearing will be held on November 20, 2013, at 6:30 pm in the Commissioners meeting room.

- (1) To enable the Commissioners of St. Mary's County to enact an ordinance concerning property maintenance.
- (2) To exempt from the Tier III and IV development limitations subdivisions in which all lots are 15 acres or more.
- (3) To enable the Commissioners of St. Mary's County to determine a building impact fee on a per square-foot basis.
- (4) Request for a Bond Bill in the amount of \$30,000,000.
- (5a) To add St. Mary's County to the counties in which a Class 6 pub-brewery license may be issued.
- (5b) To add St. Mary's County to the counties in which a Class 7 micro-brewery (on-and off-sale) license may be issued.
- (6) To delete the requirement that the psychiatrist or psychologist serving on the St. Mary's County Adult Protective Services Review Board be affiliated with the St. Mary's County Health Department.
- (7) To repeal a public local law authorizing the adoption of subdivision regulations. *Commissioner Jarboe asked when the law was adopted. Mr. Sparling will provide.*

(8) To define the elected officials for which recommendations are to be made and provide for the forwarding of recommendations by the Compensation Review Commission.

Commissioner Jarboe requested the number of criminal jury trials held in the past year and over the past 10 years. Mr. Sparling will provide.

(9) To revise the provisions regarding the salaries and budgetary procedures for funding the Office of the State's Attorney for St. Mary's County.

(10) To enable the Board of County Commissioners to grant to a non-profit entity a deferral of the building impact fee.

SMC METROPOLITAN COMMISSION: Loan Agreements with MD Dept. of the Environment Water Quality Finance Administration (MDE) and Department of Housing and Community Development (DHCD)

Present: Jacquelyn Meiser, Director; St. Mary's County Metropolitan Commission
Rebecca Shick, CFO, St. Mary's County Metropolitan Commission

Ms. Meiser presented an overview of the MDE and DHCD Loans for which they are applying, the amount of indebtedness to be financed, the terms and conditions, the approved CIP projects to be funded, and their repayment sources. The largest project to be funded is the State mandated Enhanced Nutrient Removal Project at the Marlay-Taylor Wastewater Treatment Plant. The loans will also fund the Radio Read Water Meter Project, Shangri-La Drive and South Essex Drive Sewer Rehabilitation Project and a number of other rehabilitation, upgrade and replacement projects.

Discussions focused on the State's mandated requirement to upgrade the Marlay-Taylor Waste Water Treatment plant and whether property owners who have properly working wells and septic systems should be required to connect to public water and sewer lines if lines are run through their property to property abutting them. Ms. Meiser advised that the connection regulation is not set by MetCom but is a policy that is set in the County's Water and Sewer and Comprehensive Plan.

Commissioner Jarboe suggested that the Commissioners add a proposal to the 2013 legislative package that property owners have the option as to whether or not they connect to newly installed water or sewer line if they have a properly working well or septic system.

Commissioner Morgan moved, seconded by Commissioner Jones, to approve, as evidenced by the signing of the necessary legal documents, the action by the St. Mary's County Metropolitan Commission to enter into loan agreements with the MD Department of the Environment Water Quality Finance Administration for an amount not to exceed \$31,464,241, from the Clean Water Revolving Loan Fund and the Department of Housing and Community Development for an amount not to exceed \$8,960,000 to fund certain projects within the approved FY 2013 Capital Improvement Budget, and authorize the Commissioner President and staff to execute related

documents as necessary. Motion carried 4-1. *Commissioner Morris voted nay noting he is not in favor of spending money to upgrade the Marley-Taylor Wastewater Treatment Plant when Lexington Park has a 50 year old sewer infrastructure that needs replacing.*

COMMISSIONERS TIME

The Commissioners highlighted events attended over the past week and items of personal interest.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Jones moved, seconded by Commissioner Morris, to enter into Executive Session for the purpose of discussing litigation matter. Motion carried 5-0.

EXECUTIVE SESSION

Litigation

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Cynthia L. Jones
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
Sue Sabo, HR Director and Acting County Administrator
George Sparling, County Attorney
Donna Gebicke, Administrative Assistant

Authority: Article 24, Section 4-210(a)8
Time Held: 11:50 am – 12 noon
Subject Discussed: Litigation

ADJOURNMENT

Meeting adjourned at 12 noon.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)