

Commissioners of St. Mary's County Meeting Minutes (Tuesday, February 3, 2015)

Generated by Sharon Ferris on Wednesday, February 4, 2015

Members present

Commissioner President James R. Guy
Commissioner Michael L. Hewitt
Commissioner Tom Jarboe
Commissioner Todd B. Morgan
Commissioner John E. O'Connor
County Administrator, Dr. Rebecca Bridgett,
Sharon Ferris, Recorder

1. WELCOME

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

Approval of Minutes

I move to approve the minutes of January 28, 2015 as presented.

Motion by Commissioner Todd B. Morgan, second by Commissioner Tom Jarboe.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

2. RECOGNITION

A PROCLAMATION WAS PRESENTED FOR AFRICAN AMERICAN HISTORY MONTH

3. COUNTY ADMINISTRATOR

A. DRAFT AGENDA for February 10 - There will be no meeting on Feb. 17, 2015

B. DEPT. OF RECREATION AND PARKS - Alcohol Beverage License Renewal for Wicomico Shores Golf Course

I move to approve and authorize the Commissioner President to sign the Alcohol Beverage License Renewal application for the Wicomico Shores Golf Course.

Motion by Commissioner Tom Jarboe, second by Commissioner John E. O'Connor.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

C. DEPT. OF PUBLIC WORKS AND TRANSPORTATION - State Highway Administration Memorandum of Understanding (MOU) for the Patuxent River Naval Air Museum and Visitor Center

I move to approve and authorize the Commissioner President to execute the Amendment Number Three to the Memorandum of Understanding between the County and the State Highway Administration for the construction

of the Patuxent River Naval Air Museum and Visitors Center, in accordance with the terms and conditions of the Memorandum of Understanding.

Motion by Commissioner John E. O'Connor, second by Commissioner Todd B. Morgan.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

D. DEPT. OF ECONOMIC DEVELOPMENT - Maryland Rural Legacy Area Preference

I move to approve and execute a letter to the Maryland Department of Natural Resources, Rural Legacy Program stating the County's preference of the Mattapany Rural Legacy Area as the priority for State Rural Legacy funding and, furthermore, naming the Huntersville Rural Legacy Area as a second priority for any additional land preservation funding from the State.

Motion by Commissioner Todd B. Morgan, second by Commissioner John E. O'Connor.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan, O'Connor

4. MAIN AGENDA ACTION ITEMS

A. OFFICE OF THE COUNTY ATTORNEY: Review 2015 St. Mary's County Legislative Proposals

Present: George Sparling

Mr. Sparling reviewed the five original Legislative Proposals presented at the Joint Meeting of the St. Mary's County Legislative Delegation and the Commissioners of St. Mary's County on November 13, 2014. He noted that Delegate O'Donnell requested concurrence on these proposals by the newly elected Commissioners of St. Mary's County. In response to a question raised by Delegate O'Donnell the County Attorney met with the County Treasurer and determined that Amendment of Section 9-320 of the *Tax-Property Article* of the *Annotated Code of Maryland* could be addressed by the County Treasurer rather than carry it forward as a Legislative Proposal. Commissioner O'Donnell also requested that the repeal of public local laws presented at the Joint Meeting be deferred until the 2016 session of the Maryland General Assembly. The four remaining proposals are: (1) Amendment of Section 12-538, 12-618, 13-703 and 12-804 of the Local Government Article and repeal Sections 9-1607 and 9-1608 of the Land Use Article of the Annotated Code of Maryland; (2) Amendment of Section 12-129 of the *Local Government Article* of the *Annotated Code of Maryland*; (3) Amendment of Chapter 93 of the *Code of St. Mary's County, Maryland*; and, (4) Amendment of Article 19 of the Public Local Laws of Maryland - Tax delinquency.

I move that the Commissioners of St. Mary's County (1) request the St. Mary's County Legislative Delegation to defer consideration of the proposed repeal of public local laws until the 2016 session of the Maryland General Assembly; (2) withdraw the request for an amendment of Section 9-320 of the Tax-Property Article of the Annotated Code of Maryland; and (3) request that the St. Mary's County Legislative Delegation introduce the remaining proposals presented at the Joint Meeting of the Commissioners of St. Mary's County and the Delegation on November 13, 2014.

Motion by Commissioner Tom Jarboe, second by Commissioner Todd B. Morgan.

Final Resolution: Motion Carries

Yea: Commissioners President Guy, Hewitt, Jarboe, Morgan, O'Connor

B. DEPT. OF LAND USE AND GROWTH MANAGEMENT: Introduction of Request for CWSP Amendment - Water Service Category for McCauley in Charlotte Hall

Present: Phil Shire

The Dept. of Land Use and Growth Management has received an application requesting to connect a new home and accessory apartment to an existing public water line which will require an amendment of water category from W-6D to W-3D. A public hearing is requested to amend the water service category in the Comprehensive Water and Sewerage Plan for this property.

Commissioner Hewitt asked why individuals have to go back to the planning commission to get these category changes when they are already in a development district. He suggested it could be done administratively.

I move that the Department of Land Use and Growth Management be authorized to schedule a public hearing on the proposed amendment to change the water service category.

Motion by Commissioner Tom Jarboe, second by Commissioner Todd B Morgan.

Final Resolution: Motion Carries

Yea: Commissioners Guy, Hewitt, Jarboe, Morgan

Nay: Commissioner O'Connor

5. PRESENTATION

A. MARYLAND ASSOCIATIONS OF COUNTIES (MACo): Legislative Session Preview

Present: Michael Sanderson, Executive Director

Mr. Sanderson discussed policy issues and provided an overview of the 2015 Legislative Initiatives MACo is advocating. At the top of the list is **Local Transportation Funding Restoration** - MACo is urging state policy makers to take necessary steps to restore the local funding. Counties used to get 30% but now only get six to eight cents on the dollar. **Education** - MACo is encouraging a smarter system for budget submissions to the State that could mesh with county and school board budget processes, giving them a meaningful opportunity to consider reducing overall costs through joint administration of programs and other collaborations. **Broad Tools to Tackle the Drug Crisis** - MACo advocates for comprehensive legislation and budget initiatives to address the growing drug problems confronting each county and the unique needs of their communities by providing broader and better tools. **Efficient and Effective Pretrial Functions** - Counties urge the State to adopt effective measures to improve pretrial services in the District Courts. MACo is in the process of providing a new Investment Fund which will be available to all counties and MetCom to help fund future retirement benefits such as OPEB.

6. COMMISSIONER'S TIME

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

Commissioner Jarboe noted that Pope Francis will be visiting Washington DC this year and the Commissioners were contacted to obtain their thoughts on extending a request for him to visit St. Mary's City.

The Commissioners noted that the budget process has just started, they are exploring any and all options; however, they have not made any decisions and have not spent any money to-date.

7. RECESS

8. PUBLIC HEARING

PUBLIC HEARING: AMENDMENT TO THE ST. MARY'S COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN (CWSP)

Commissioner Guy Opened the public hearing at 10:55 am.

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

Notice of Public Hearing was published in *The Enterprise Newspaper* on January 16 and 23, 2015.

Chapter 113 of the St. Mary's County Code, amended in 2011, requires the St. Mary's County Comprehensive Water and Sewerage Plan (CWSP) be amended annually to incorporate the approved Capital Improvement Budget (CIB) of the St. Mary's County Metropolitan Commission (MetCom). The proposed amendment includes changes requested by the Maryland Department of Environment (MDE). Mr. Shire explained the seven proposed amendments.

Commissioner Guy opened the hearing for public comment. There were no public comments.

Commissioner Morgan expressed concern with MetCom's cost estimating citing significant increases from MetCom's 2012 Budget Book to the numbers Mr. Shire presented today. He cited three projects, Town Creek, St. Clements Shores, and Esperanza Farms with significant changes and acknowledged that inflation has to be factored in; however, the numbers are growing faster than inflation.

Commissioner O'Connor noted he is concerned with the dollars allowed for water storage tanks, water, and wastewater in Charlotte Hall when we haven't moved forward with the master plan for that area.

Commissioner Hewitt echoed the other Commissioners concerns. He noted something needs to be done at St. Clements Shores and would like someone to justify why the project is a \$12 million project today versus \$1 million two years ago.

Commissioner Guy stated the record would be left open for an additional ten days to receive public comments on this matter and closed the public hearing at 11:05 am.

9. RECESS

10. JOINT COMMISSIONERS-ST. MARY'S COUNTY METROPOLITAN COMMISSION MEETING AT THE SOUTHERN MD HIGHER EDUCATION CENTER, 44219 AIRPORT RD., CALIFORNIA, MD

Commissioner Guy reconvened the Commissioner meeting at 2:10.

Attendees:

Steve Willing, Chairman
Robert "Bob" Russell, Vice Chairman
Alice Gaskin, Commissioner
Charles "Sonny" A. Pessagno, Commissioner
Michael Mummaugh, Commissioner
Mike Thompson, Commissioner
Rebecca Shick, CFO
Dave Elberti, Chief Engineer
Jackie Meiser, General Legal Council

County Staff in Attendance:

Phil Shire, Director, Dept. of Land Use and Growth Management
Elaine Kramer, CFO
Robin Finnacom, Acting Director, Dept. of Economic Development

Status of MetCom Executive Director Recruitment

Mr. Willing noted MetCom advertised nation wide and are interviewing the top four finalists this week. The new Executive Director should be on-board in early spring.

Overview of Comprehensive Water and Sewer Plan (CWSP)

Mr. Shire noted that the CWSP is a growth management tool for land planning and explained the goals which include: the health, safety, and welfare of our citizens; protection of the environment; public ownership of all community water and sewerage systems; and, conformance with all County plans and programs. All water and sewerage and water systems serving more than one property are regulated and governed by the Maryland Department of Environment (MDE). The Commissioners enact and amend resolutions that direct water and sewerage policies, but MDE has the final approval authority. He provided the definition of water/sewer service areas. He noted that MDE dictates that the CWSP must be comprehensively updated every three years; however, it must be updated yearly to include MetCom's latest approved Capital Budget.

Overview of MetCom Fees/Charges and Budget Process

Mr. Ichniowski explained how the charges and fees paid monthly by customers are used to cover operating costs and expenses for major repair and replacement of infrastructure. He also noted that the Capital Contribution Charge, which is a one time fee when new EUDs are connected to the system, are used to cover expenses for new facilities needed to accommodate growth. The current residential customer pays \$82.52 per month for water and sewerage. The current contribution charge for

connecting is \$6,540.59 for residential water and \$4,951.14 for sewer. He explained MetCom's primary borrowing sources and budget process and their new service rate proposal. Commissioners were provided copies of operations revenue and expense statements for the first quarter of FY2015 and the draft FY2016-2021 Capital Improvement budget summary sheets for water and sewer.

Commissioner O'Connor noted he supports water and sewerage in Charlotte Hall for commercial use. He questioned MetCom finishing the design phase for Charlotte Hall until there is a master plan. Commissioner Morgan noted it is his understanding is that seven properties have failing septic systems and 149 people are on a waiting list for sewerage at St. Clements WasteWater Pumping Station. Commissioner Hewitt noted people at Breton Bay want to add on to St. Clements Waste Water Pumping Station. He noted if there are EDUs out there that people have been assigned but are not using you might want to pursue getting them back. Commisioners would like to see MetCom's rate projection for the next five years.

Review of Water/Sewer Connection Policy Study Group Recommendation

Mr. Shire presented recommendations from the study group. Service area is defined as areas related to growth area boundaries designated by the County's Comprehensive Plan which includes Lexington Park and Leonardtown Development Districes, five Town Centers and seven Village Centers. New public water and sewer lines may be constructed to serve only properties within a growth areas categorized as W-3 or S-3 by the Comprehensive Water and Sewer Plan (CWSP). New lines proposed to serve properties in W-6 or S-6 categories require an amendment to the CWSP to change to W-3 or S-3 except that Water and sewer lines constructed outside a growth area, service shall be limited to the correction of failed wells or septic systems within a growth area category may be administratively changed upon installation of a water or sewer line and establishment of service. All properties who abut a newly constructed line will be considered "served" by the new line, and the owner or responsible party will begin paying monthly System Improvement Charges. These newly served properties with well and/or septic systems will be required to connect to the newly constructed line when the existing well/sewer fails or a date to be firmly established (no more than 10 years) after the date the line becomes ready to serve or anything that requires modification of the current system, such as home addition or replacement that requires upgrading or expansion of system. For all existing public water and sewer lines, all properties situated within a designated growth area that abut the existing line but are not connected will be required to connect upon the failure of the existing well and/or septic system or the occurrence of any activity upon the property which would necessitate any modifications to the existing well and/or septic system.

FINANCE - Overview of the Debt Capacity Study

Ms. Kramer noted a debt capacity study is being conducted by Davenport which will address both the County and MetCom. The study will address existing debt policies, financial and debt trends, certain financial and debt metrics against other independent self-sustaining utility enterprises (MetCom); relevant credit rating agency criteria and medians; peer group comparison; benchmarks and recommendations for each entity. Upon completion of the study and review of the findings and

recommendations by the respective staff, a presentation will be given to the boards,

ADJOURNMENT

The meeting adjourned at approximately 4:00 pm.

Minutes Approved by the Commissioners of St. Mary's County on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)

