

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, March 23, 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
Donna Gebicke (Recorder)

CALL TO ORDER

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

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register for checks dated March 23, 2010, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the minutes of the meeting of Tuesday, March 16, 2010, as presented. Motion carried 5-0.

HUMAN RESOURCES DEPARTMENT: EMPLOYEE SERVICE AWARDS

Present: Sue Sabo, Director; and June Robrecht, Deputy Director

Service awards were presented to employees who have provided from ten to thirty-five years of service to St. Mary's County Government.

**HUMAN RESOURCES DEPARTMENT: REQUEST APPROVAL OF ELIGIBILITY
LISTS FOR ST. MARY'S COUNTY FIRE/RESCUE/ADVANCED LIFE SUPPORT
LENGTH OF SERVICE AWARDS**

Present: June Robrecht

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign the Annual List of Fire, Rescue and Advanced Life Support Volunteers who qualified for the

Length of Service Awards Program (LOSAP) Service Credit in 2009 as presented by staff. Motion carried 4-0. Commissioner Mattingly abstained.

COUNTY ADMINISTRATOR

- 1. Draft Agenda for March 30, 2010** (*There will be no meeting on April 6.*)
- 2. Department of Economic Development & Tri County Community Action Committee** (*Bob Schaller, Director; Hans Welch, Manager, Business Development; Swynice Hawkins, President/CEO, Southern Maryland Tri-County Community Action Committee, Inc; Lisa Quill, Cheseldine Management*)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign the Award Letter to the Southern Maryland Tri-County Community Action Committee, Inc. for the eight (8) Impact Fee Waiver requests for the Hunting Creek Self-Help Housing Project, located on Willows Road in Lexington Park, Maryland, and to authorize the Commissioner President to sign the related Budget Amendment. Motion carried 5-0.

- 3. St. Mary's County Circuit Court** (*Teresa L. Weeks, Senior Legal Assistant*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the DHR Cooperative Reimbursement Agreement, Project US1027, from the Department of Human Resources, with federal funding of \$7,612 and County match of \$4,622, and the related budget amendment to align the project budget revenues and expenses in accordance with the actual agreement/award. Motion carried 5-0.

- 4. Recreation and Parks** (*Arthur Shepherd, Recreation Division Manager*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to execute the application and Memorandum of Understanding with related certifications and assurances between the Department of Health and Mental Hygiene, Developmental Disabilities Administration and the County, on behalf of the Department of Recreation and Parks, to assist with funding for the New Horizons Summer Camp in the proposed amount of \$28,258. Motion carried 5-0.

- 5. Department of Aging** (*Lori Jennings Harris, Dir.; Debbie Barker, I & A Manager*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the Maryland Senior Rides Program grant application documents, project #MD1105, from the State of Maryland Department of Transportation on behalf of the St. Mary's County Department of Aging in the amount of \$25,000 for transportation services for low-income to moderate-income seniors. Motion carried 5-0.

6. **Department of Human Services** (*Cynthia A. Brown, Interim Director*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the Federal Fiscal Year 2009 Emergency Shelter Grant Agreement, project #US1056, from the Maryland Department of Housing and Community Development in the amount of \$31,796, the related Sub-recipient agreements between the County and the Department of Social Services, Angel's Watch, Leah's House and Three Oaks Center, and the related Budget Amendment. Motion carried 5-0.

7. **Department of Public Works & Transportation** (*George A. Erichsen, Director*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the FY10 Special Grant Agreement from the Maryland Aviation Administration on behalf of the Department of Public Works and Transportation for three maintenance and repair projects in the amount \$38,755 to improve infrastructure at the St. Mary's County Regional Airport, and to execute the related budget amendment realigning the project revenues. Motion carried 5-0.

Commissioner Mattingly requested an update on the extension of the airport runway at a future meeting.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the budget amendment to close out the Adult Detention Center Building Repairs and Maintenance Project (PF 0504) to the FIN 10 account in the amount of \$3,493. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the budget amendment to close out the Carter State Office Building Repairs and Maintenance Project, PF 0505, to the FIN 10 account in the amount of \$356,991. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the budget amendment to transfer funds in the amount of \$100,000 from the FIN 10 account to the Carter State Office Building Maintenance and Repairs Project, PF 1002, to complete approved programmed projects. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the budget amendment which restores the Building Maintenance & Repairs-Critical Project, PF 0804, from the Capital Reserve FIN 10, with funds received from LGIT as a result of damages incurred during the Snow Emergency. Motion carried 5-0.

8. **Department of Information Technology** (*Bob Kelly, Director; and Bob Caplins, IT Director, St. Mary's Co. Public Schools*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to authorize Bob Kelly, our Information Technology Director, to submit the expression of St. Mary's County's Interest, as a community, to Google electronically, in order to be considered for the Google Fiber for Communities Project consistent with the hard copy reviewed by the Board of County Commissioners. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Raley, to sign the support letter to Mr. Urban of the State of Maryland, expressing our support for the Board of Education's participation in the Broadband Technologies Opportunities Program grant application being made by OneMaryland Broadband Network. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: DECISION ON REQUEST FOR AMENDMENTS TO THE COMPREHENSIVE WATER & SEWERAGE PLAN FOR FUTURE HOME AND HEALTH CARE, CASE CWSP 09-200-002, TO CHANGE THE SERVICE AREA CATEGORIES FROM W-6D AND S-6D TO W-3D AND S-3D FOR 6.0 ACRES DESCRIBED AS TAX MAP 50, GRID 16, PARCEL 22, IN THE 2ND ELECTION DISTRICT

Present: David Chapman, Planner

Following the public hearing held on March 2, 2010, to consider the request to amend the Comprehensive Water and Sewerage Plan, the record was held open for ten days for additional written comments. No additional comments were received during the ten-day open record period.

Commissioner Raley moved, seconded by Commissioner Jarboe, that in the matter of case CWSP 09-200-002, Future Home and Health Care, to amend the St. Mary's County Comprehensive Water and Sewerage Plan to change the service area categories from W-6D and S-6D to W-3D and S-3D (service in 3-5 years, developer financed) for 6.0 acres described as Tax Map 50, Grid 16, Parcel 22, in the 2nd Election District. Motion carried 4-0. Commissioner Mattingly abstained due to his service on the St. Mary's Nursing Center Board of Directors.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: REQUEST ADOPTION OF COMPREHENSIVE PLAN FOR ST. MARY'S COUNTY

Present: Derick Berlage, Director

Mr. Berlage presented the Draft Comprehensive Plan for adoption by the Board of County Commissioners and reviewed the extensive Draft Comprehensive Plan public process and Commissioner deliberations, and the general principles contained in the Plan.

Commissioner Raley moved, seconded by Commissioner Mattingly, that whereas the Planning Commission has provided its recommended Comprehensive Plan as required by statute, inclusive of water resources and priority preservation areas elements, and whereas

the board has held public hearings and work sessions to consider the recommendation and the public record, and whereas the recommended plan has been subsequently revised pursuant to specific instructions from the Board, I move that the Board of County Commissioners adopt Ordinance No. 2010-01 to repeal and reenact the Comprehensive Plan as recommended by the Planning Commission and as revised by this Board this 23rd day of March, 2010; and, further, that the Ordinance take effect April 6, 2010. Motion carried 4-1. Commissioner Jarboe voted no citing concerns about the Board's RLT zoning compromise for Mill Cove, suggesting that this area be taken out of the Lexington Park Development District; and that the timing of the request for rezoning from RMX to TMX in Golden Beach did not provide for inclusion in the hearing process.

PUBLIC HEARING: TO CONSIDER PROPOSED REVISIONS TO CHAPTER 267 OF THE CODE OF PUBLIC LOCAL LAWS OF ST. MARY'S COUNTY TO ALLOW AN EXEMPTION TO THE ADMISSIONS AND AMUSEMENT TAX FOR AGRICULTURAL TOURISM ACTIVITIES

Present: Christy Chesser, County Attorney
Elaine Kramer, CFO
Bob Schaller, Director, DECD
Carolyn Laray, Tourism Manager, DECD

Commissioner President Russell opened the public hearing at 11:34 am. Notice of the public hearing was advertised on March 10 and March 12, 2010, in *The Enterprise* newspaper. Ms. Chesser provided background information on the proposed Ordinance. St. Mary's County currently imposes a 2% admissions and amusement tax. Code of Maryland General Regulations provides that a County which has authorized this tax may enact exemptions from the tax. The draft Ordinance for consideration exempts agricultural tourism from St. Mary's County Admissions and Amusement tax. A definition of agricultural tourism and the activities included are contained in the draft Ordinance.

Comments provided by staff for the Board's consideration included: in support of the proposal, agricultural activities should be encouraged in order to maintain viable farms and reduce the incentive for residential development in the RPD. Concerns included the loss of future revenues.

Mr. Schaller read into the record a statement on behalf of the Department of Economic and Community Development fully endorsing and supporting Board adoption of the proposed exemption to the admissions and amusement tax for agricultural tourism activities. While in support of the exemption, DECD asked that the Board consider some type of a sunset provision based on annual sales or number or years, for example. Ms. Kramer provided a financial perspective, which included comparative data on other counties currently exempting ag-tourism and their tax rates, and St. Mary's County's revenue from this source from 2005-present. While understanding the desire to nurture these emerging activities, Ms. Kramer expressed concern that a full and permanent exemption may be unwarranted and asked the Board to consider exempting for the initial five years of their operation.

Commissioner President Russell opened the hearing for public comments. Below is a summary of the comments provided.

Mary Wood, Forest Hall Farm, 39136 Avie Lane, Mechanicsville

Spoke in favor of the exemption. Most farms in St. Mary's County contain a relatively small amount of acreage, which provided an adequate income when used for tobacco production. Farmers now need to look for alternative crops or means of providing an income. The admissions and amusement tax was never intended to be imposed on farmers.

Joe Wood, President, St. Mary's County Farm Bureau, and resident of Forest Hall Farm, 39136 Avie Lane, Mechanicsville

Spoke in favor of the exemption. Over next 10-15 years, land will transfer to different owners who may embrace ag-tourism as part of their operations. Agriculture itself is a "destination" (county fair, oyster festival). From destinations you get spin off to fast food or other restaurants, shopping, etc. The key is bringing people to the County, and once here, having activities to participate in. Once the destinations are established, you will get more tourism. Reduction of taxes is a way to stimulate ag-tourism or the destination part of the tourism trade.

No other public testimony was offered. Commissioner President closed the public hearing at 12:04 pm. The record will be kept open for an additional ten days for written comments.

COMMISSIONER'S TIME

The Commissioners highlighted upcoming events and those attended over the past week as well as personal interest items. Commissioner Mattingly requested that staff look into the possibility of including with the County's submission to the state the volunteer fire/rescue requests for reimbursements for disaster-related expenses, and once reimbursements are received, to transfer the fire/rescue reimbursed funds directly back to those organizations rather than maintaining them in the County's general fund.

PUBLIC HEARING: TO CONSIDER PROPOSED ST. MARY'S COUNTY STORMWATER MANAGEMENT, GRADING, EROSION AND SEDIMENT CONTROL DRAFT ORDINANCE

Present: George Erichsen, Director, Dept. of Public Works & Transportation
John Groeger, Deputy Director

Commissioner President Russell opened the hearing at 6:31 pm. Mr. Erichsen read the Notice of Public Hearing into the record and produced a "Certification of Publication" indicating the notice was published in *The Enterprise* newspaper on March 10 and March 17, 2010. As part of the Stormwater Management Act of 2007, Maryland jurisdictions are required to adopt revisions to local Ordinances by May 4, 2010, that include new provisions for stormwater management, grading, erosion and sediment control. If a development review

project does not have SCD approval by May 4, 2010 (final site plan), it will have to comply with the new regulations.

Mr. Erichsen reviewed the process, public comment to date, and the substantive changes between the current Ordinance and the proposed Draft Ordinance.

Major concerns regarding the proposed Draft Ordinance include: inflexibility of the grandfathering provisions, impact on re-development projects, and concurrence with Smart Growth policies. There are currently bills before the legislature that may address some of these issues (particularly HB 1125).

Commissioner Mattingly asked if the Ordinance could specify that it applies to state and federal lands as well. Commissioner Raley asked staff to provide the Board with a listing of language included in the Draft Ordinance prepared by staff that is more restrictive than the state mandated Model Ordinance text. Commissioner Jarboe asked what the ramifications would be of not adopting the Ordinance.

Commissioner President Russell opened the hearing for public comments. Below is a summary of the comments provided.

John K. Parlett, Charlotte Hall

Concerns about the Draft Ordinance include: in-fill projects that are not fully developed and phased in projects that won't have approvals by 5/4/10 have been ignored; when property was purchased, master stormwater pond served whole property, 2001 Ordinance called for water quality devices, reduced density and loss of investment in ponds in Phase I; detriment to redevelopment of areas we want redeveloped; maintenance of the new required facilities will increase exponentially; accounting nightmare to keep track of square feet on lots over time; "to maximum extent practical" is very subjective language.

No additional comments were offered and the Commissioner President closed the public hearing at 7:24 pm. The public comment period will remain open for an additional ten days for written comments.

The Board of County Commissioners meeting adjourned at 7:24 pm.

Minutes Approved by the Board of County Commissioners on _____

Donna M. Gebicke, Administrative Assistant (Recorder)